

the most legal evidence in Law, and its evidence will be
not then be called in question. In the
mean while, when you are in publick, I
will be at hand to defend my cause. You will
be better with me now, than you will be
when you are alone.



LETTER

TO

Mr. Secretary TRENCHARD,

Discovering a *Conspiracy* against the *Laws* and *ancient Constitution*
of *England*: With Reflections on the present Pretended *PL.O.T.*

THE

A3 the Character you are cloathed
with entitlenth me to all Informati-
ons, both of what may preserve the
Government, and of what is con-
cerned for the Subversion of it;
the employ you have taken upon you, in
reference to the present Pretended *PL.O.T.*,
is neither agreeable to your Office, nor to the
use of a *Man of Honour*, gives you an indispu-
table Right to the Discovery I am about to
make. And being indebted to you for the
use you have been pleased to vouchsafe me
in your late Administration, I can think of no
better a way of making my Acknowledgements
and of testifying my Gratitude, than of render-
ing you a piece of Service, which every one
at your Devotion is not qualified for, and very
few have the Integrity and Fortitude either
to undertake or perform. And seeing inci-
-piter the Honour of having been *Secretary of*
State, nor the wise and just *Discharge* of that
duty like to give you that Name in *History*
than you deserve, nor to perpetuate your
name to the extent and measure of your
Virtue and Ambition; Permit me to try whether
the noble future Writers to exercise your
name in the Registers of Time, by naming
the *most* *well* *Memoirs* of some Actions peculiar
to your Self, and to a few more of your Eleva-
tion, Virtues and Politicks: And which
will be one, as much distinguished as you
will be the Bank of Common Statesmen, as

well as the several Tribes of Christians, would
have had the Artifice mixed with Malice in
have undertaken.

And that you may enroil to your self the
whole benefit of this Discovery, and more be
obliged, as in other Cases, where your name
shared between You and the Informer the Sal-
aries and Pensions apply'd to the forgoing and
inventing Conspiracies against the State, and
set apart and dislin'd by the Dispensers of the
Publick Treasure only for defrauding them;
I do freely and entirely resign to You all my
Part and Portion of it, whether arising from
the Generosity of the *Informers*, or due from
their Justice, which I hope will not be obvi-
ous to you, nor come unfriendly towards
the compleating your *Twenty Thousand Pounds*
Purchase. For as it is impossible after consider-
ing your self to what either righteously or
legally secured from the Place and Office of
Secretary, you should have leased together so
large a Sum in the Circle of little more than
a Year, so it is at hazard to help to advise
you above the mean Temptation of defrauding
it ofe miserary *Creatures*, who selling
their Souls at evry Rate, to support forced
Accusations by Perjury, can meet with none
so sneaking and ignoble as to get their living
from the Price, except such who laying for a
low Price upon their own Mouths, do value
their Money accordingly. And the *Offices* being
free and Advantage which this Information

the produce, I do cheerfully consign and bequeath unto you, wishing that besides the Profit of that kind, which it is calculated to yield you, it may serve to raise your Reputation in the world, by giving the Nation more Ground to understand the old Aberrant Way of Administration in State-Affairs, being unadvised and insufficient to the durable upholding of what was privately and tumultuously raised; how little his Wisdom hath been misplaced who recommended you to the Post you fill, being so admirably qualified to support the Government by Trickes and falsehoods of th. late King'd and M. Monck, with those by which the Revolution was carried on and effected. You are too convenient in Tactics to need any reasonne bringg to you the saying of the *Nimis Imperius fuerit in agendum*, *horsa virtus exercitum*, *No. M. illa revera legitima et well that arrived at the Government by Fraud and Injustice*. Yet suffer me to add in reasonne th. that they did wrong when they bringg of a *British League*, and *Disposition as to the* *Wales*, lawful as well as necessary for the protection of the Subjects in agitation. *It is a fact*, *that cannot be thought* *so corruptly and wickedly* *as to have* *so* *advisably* *and* *secretly* *operated* *Exigent*, *as they do at this* *time* *against* *Conspiracy* *against* *the Government*, *and* *charges* *upon* *innocent Men*, *who* *are* *willing* *to live* *peaceably* *if* *you* *would* *permit* *them* *to*. And as you know your own *accension* *to the* *Firs*, and have had the *fortune* *to be* *better* *rewarded* *than* *others*, *that* *have* *joined* *with* *you* *in* *that* *Treachery* *and* *Fraud*, *so* *I* *hope* *that* *they* *will* *accide* *to* *you* *the* *glory* *of* *the* *Latter*, *wherein* *you* *have* *had* *some* *large* *lope* *upon* *and* *there* *with* *you*, *will* *have* *a* *tendency* *to* *your* *being* *exalted* *higher* *than* *you* *are*, *and* *quicken* *your* *receiving* *the* *recompences* *you* *have* *not* *yet* *attained*, *tho* *long* *ago* *so* *much* *your* *due*.

But is it not to degenerate into a despicable Meanness, in to make your self contemptibly holding little, after you had been engaged for so many Years in forming Plots against Kings, Princes, and States, you should at last dwindle into a Compt. for against Mechanicks, reduced Officers, abhorr'd Centinels, and private nucle- men. That from enrolling Troops at *Taunton* and elsewhere, as your Interest lay, and your Province was allotted, for dethroning Mo-

narchs, and altering the legal Course of the Royal Succession, you should shrink to the mustering mercenary Rascals, for whom we have rank'd Goats and Kennels, to destroy a Company of Persons who neither could endanger you, by perverting Laws or altering their Frame, nor enslave you by Armed Guards and Military Power. To have undertaken to curb and bridle Sovereigns, and to dissolve and break the Chain which the Constitution as well as the Statutes of the Real: had made for regulating the coming to inherit Crowns was more and daring, so as the same like criminal and wicked, But to-hold on Messengers, bick'd with Troop, as well as fortified with Authority, to ravage the Dwelling of thos. stills, be innocent and naked, and upon which misfortune'd Folk no less to seize Gentlemen in their Housles, where the Law should in a special manner protect them, and to lead them Captives through a great part of the Kingdom, under the Power of Officers Troopers, to furnish matter for a Death March, was sucking and mean as well as illiberal and impious. But it is natural to those that have been trained up and habituated to any Course, to play at low Game, rather than find out from practising what they have seen in old wro't. However, no Men will suspect other your Disposition or Qualification, to be sparter, accuse and arraign little People, having been bred and accustomed to talk and impeach Princes. For they that could forge Grievances to Governments, where there were few but what their own Luxury, Covetousness and Ambition made, and who could transplant the *Guisard League*, from *Prussia* to *England*, and make a Prince's Religion a Crime, incapacitating and disengaging him to enjoy his Civil Right, can easily, either upon the Suggestions of their Fear and Covetousness, or Iacke'mens of Pride and Avarice, make Conspiracies aginst Governments (in the mean while holding whereof their Honour, Fortune and Prospect he) and lodge them on whom they will, especially upon such against whom they entertain an inveterate Malice, and furnish'd with Probabilities and Testimoni- ences of gaining Credite to their *malice*, they charge them. But I find that as they grow in Years they encrease in Craft, and decay in Bravoue; and thus while

severe in the like Criminal Methods, they learn to lay the Scene where there is least Danger, after parallel Guilt, & hence mostly they make themselves obnoxious to me. And no Man knows better than you, that 'tis much safer, as well as more beneficial, to take upon you the upholding and serving a Government by involving guiltless People in a forged Plot against it, than to be in a real one your self, for subverting it: especially if the Conspiracy must be executed by Force and Arms, and not to be compassed and made effectual by Trickery, Lyes and Calumnies. For those in the former Case, you have the clear Law with the Section of a fettle Penalty against you; yet it is too likely that you will have the living Authority steady and vigorous for you. And should your Crime be made as evident as it is heinous, yet considering with whom the execrable Power of the Law is lodged, you may reasonably hope to be covered from the Punishment and publick Disgrace, and only to have the Fact openly justified, and you self publicly rewarded. But in the latter Case, you are, besides the Injury that attends the Offence, sure to have Law back'd with Power, and Might authoriz'd by Law, to destroy you, and impoverish your Posterity. So that the Hazard is much less, tho' the Disgrace be not, in pursuing that where in you are now embroiled, than in prosecuting the Plot wherein you were engaged, 1680. 82. For you had been not only a wth wth Fomenter, but principal Author of that Conspiracy against the then King and Government, yet when your Assistance was required, upon its coming to have been executed in November, your Fear being awaken'd and increased, by the approach of the Danger, and your Courage not being answerable to your Loyalty, you excused both appearing your self & by giving the Aid you had promised, upon Pretence of a Disease that had overtaken you by an amorous Misadventure: Which having been told by the Duke of Monmouth to some assembled for fixing the Day, and for determining the Place, and Manner of the Insurrection, after they had therupon agreed to ac^{cc}urn the Execution of the Design, it was pleasantly laid by me of the Number, that he found Dr. Parker understand that Malady better than was imagined, and that he had not misnamed it in

filling it a *Very Disgrace*. Nor is the discovery of this to be interpreted a betraying of Secrets, there being no Obligation upon me to observe measures of Decency with one, who instead of attacking his Neighbour either by the allowed and usual Methods of Law and Justice, or at persisting them by an honest & just War, or by murder & thievish & states and *Banditti* for such and several misbristed and informed *Wretches*. And Sir, you must blame your self, and bewe me, if I know no Law of *Decorum* to be observed in treating of you. You are out of the *Parliment* of all that is due in the way of *Brifiance*, in that not being satisfied in let loose upon us such infamous Mincreas as your *Barbary*, your *King*, *Assass*, your *Laws* and *govern*. & you have done your selfe & your *Scudel* *Hightayre* to involve us under all the Guilt that thy malice and Folkes can invent, or his Impudence fasten upon us either by himself or others.

However, I will always do my self and Mankind that Right, as to say nothing of you but what is true and necessary (as you have flagen your self) to the *World* to know, and an honest Man to publish. Though I will not undertake, that all *Decorum* will rest on the good Breeding, and love that Stamp of Civility upon it, which I am known to practice towards others. And that we can lay your unrighteous Proceedings, and the unjust Sufferings of those you have caused to apprehend and imprison, before a *Parliment*, & it will become absolutely neutral, in order to the preserving the Lives of the Guilty, and the Vindication of their Innocence, that we make our Appeal to the *Kingdom*, and proclaim your Administration to *Citie* and *Country*.

Nor does the apprehending so many Gentlemen, and confining them to *Pris*ons, or the furious and general Hunting of them more, conduce in the least to the Support of the Government, or to the Preservation of the Publick Peace. I do know, these are the Ends you would be thought to aim at, in your unrighteous, irregular and illegal Proceedings; and would have the perfuse of them to legitimate the worst Means by which you are in hopes to compass and ait in them. But as you are both morally and politically a bad Man, and an ill Member of the Commonwealth, and a worse Christian, to prosecute the

the best Ends by any other Means than what are just and legal; so you are a very hallo-w and weak State-man, if you reckon those Methods adapted to what you calculate and design them for: Seeing all to be expected from the Paths you walk in, is not only to render those revengeful and desperate, who were before quiet and peaceable; but, through your injuring so many of the Subjects, to alarm all. For if Innocency be not enough to protect and cover every Man, it will not be long judged sufficient to preserve and screen any. And when all Persons find, that they possess their Liberties and Lives by no other Title than your Pleasure, and the Courtesy of your mercenary Witnesses, they will be sure to endeavour all they can to change and mend the Times: And the impovertishing or destroying one whom you either call or believe an Enemy to the present Constitution, upon the Deposition of Suborned Rascals, will change and transform all your Friends that have Wisdom or Virtue into Enemies, and thereby raise and create you Thousands, when formerly you had not Scores. But though this be a Stipick proper enough to be inculcated and insisted upon, and on which it were easy so to enlarge as to expole your Conduct and Management, and make them ridiculous; yet there are others, and those less thought of, to the displaying and enforcement of which I intend to confine my self, and I do not doubt but before I have gone through them I shall demonstrate, from your Administration, that you are both a Traitor, either through Ignorance or Design, to K. William, whom you pretend to serve, and a Subvertor of the Government, which you take those impious and illegal Courses to uphold. In order to which I preface three Things, or rather propose them as Postulats, which command an assent as soon as mentioned.

The First is, That whatever there was of an Original Contract between former Kings and the free People of these Kingdoms, yet it is undeniable, there is a very formal and explicit One between K. William and them. And, to declare my Opinion freely, without Reserve or Disguise, I do know of none before, besides that which was couched and imolled in the Constitution. And as it is impossible to produce or shew any other, so the very Sup-

position of one, is not only inconsistent with the Doctrine both of our Churchmen and Lawyers, but repugnant to the Drift and Nature of all our Laws, and directly opposite to the express Words as well as the Sense of a great many Statutes. For what can be more irreconcileable than a Contract by which Kings are made depositaries, or any ways judicially censurable for Miscarriages in their Government? And those several Acts of Parliament that do not only declare our Princes to be accountable to their People, whether taken collectively, distributively or representatively, but which do make it Treason To take up Arms against them, or any Pretences whatsoever? And to imagine it either lawful or practicable to Abdicate, Forfeit or Depose Kings, without a Liberty allowed of taking up Arms against them, is a Contradiction that no one will pretend to reconcile; but they who are either Lunatick or deeply Hypochondriacal. And as for that Contract (if it might be called one) which was involved and tacitly wrapt up in the Constitution, the whole Import of it was, to declare the Ends for which our Princes were to rule, namely, the Safety, Peace and Prosperity of their People, and to teach and instruct them, that they were to govern by Laws; but it no ways provided, that they should be accountable unto, or arraignable by their Subjects, if they did not; leaving them for that only responsible to God, and no ways punishable here, saving by the Stings and Twinges of their own Consciences. But the Case is much otherwise between K. William and Us: For as by his countenancing the Association, and laying aside of K. James, upon pretended Miscarriages in his Government, he declared upon what Terms he was willing to succeed him, and that he was contented to be accordingly dealt with, if he should prove guilty either of those or the like; so there was, upon his Admission to the Crown, both an Enumeration made of Grievances by those that conferred it, which they demanded that he would redress; and a Delination of Measures in and by which they did, as it were, stipulate how he should be bound to govern. 'Tis true, that they in Scotland were more explicit and formal in what they did in this matter and kind than we were: Yet there was no enough done here to instruct him, this be no other.

otherwise King, than as he is upon his Behaviour: And that he holds the Crown, as the Judges do their Places, *Quam dix bene esse possit.* And he may be sure, that they who could extort and wrest from the *Constitution*, which gave no such Allowance, and much less Authority, a Power and Right to dethrone K. *James*, and transfer their own and the Peoples Allegiance from him, upon Allegations which were never examined as to their Weight and Importance, nor proved as to their Reality and Truth, will be ready and forward enough when the *Humor* and *Caprice* takes them, to set him in case of Miscarriages after the same Rate; and will have that, both to warrant the doing of it, and to justify it when it is done, which they wanted before. For besides the Precedent they have made with his Allowance, and by which he has taught them, that it is lawful as well as practicable, 'tis but for the People, when fretted and enraged by disappointment of their Hopes, loss of their Estates, invasion upon their Liberties and Rights, and their having their Lives brought into hazard without legal cause and provocation, to have recourse to the Copart and Stipulation between him and them, and thence to furnish themselves with Reasons, upon those Faults in the Administration, which you, Sir, more than any other, make it your Business daily to commit, both for legitimating and authorising another Revolution.

The Second is this, That through the not punishing any of the Ministers of the *late King*, who were by Law the only Persons accountable for Miscarriages in the Government, you have made K. *W.* and him alone, responsible for the political Crimes of his Civil Officers. The Wisdom of our Ancestors made it an *Axiom* of our Government and State, That the King could do no *wrong*; and that therefore no Accusation of him could be justified, and much less any Force against him lawful. And indeed, this was the *Basis* of our *Constitution*, and the chief Source of Peace between the Sovereign and the Subjects. That the King, though clothed with the *supremum* Authority, and vested with all the executive Power of the Government, yet that doing all Things by his Ministers, he could thereby himself do no *Injury*, but that they whom the Law had entrusted with the Execu-

cution of Matters under him, were to answer and be liable to Punishment for all that was illegal and oppressive. It was upon this weighty Ground and Foundation, that Sir John Markham told Edward the 4th (as is reported by Judge *Hussey*, who was Chief Justice under Hen. 7th) That he could not arrest a Man either for Treason or Felony as a Subject might, because if the Party so arrested had thereby Injury done him, he could have no Satisfaction against him. To which I might add many other Authorities, as that 16. H. 6. 2¹. *Jurans de suite.* & 22. H. 6. *Natus*, when it was solemnly adjudged, That the King cannot command any one to be arrested, but an Action of false Imprisonment lies against him that arrests him. For hence it is that the King is laid to do no *wrong*, because he does nothing immediately himself, but does every Thing by his Officers of Justice, State or War. And therefore, tho' it never be allowed either to Officers or People to resist, be the King's Commands what they will, yet they are permitted, and 'tis a Duty they owe both to God and to him, in some Cases to refuse to obey: For when the thing required of Ministers is either immoral or illegal, it is not only extremely laudable in it self, but the best Service they can render their Master, both as to his Honour and Interest, modestly to excuse themselves from executing what either through Passion, Misleading, Ignorance, or his Duty, or by mistaking wherein his own Glory, and his Peoples Happiness consists, he was pleased to enjoin: For as a Prince's Salvation hereafter, as well as Great and Honourable Fame here, depend more upon his wise Administration and good Government, than upon his private Morals and good Life; so the goodness of his Government depends exceeding much upon those that advise him, and those that execute under him; tho' they are always to yield unto their Prince all the Reputation arising from their wisest Councils and best Performances, and never to intercept the Credit and Honour of them from him. Nor is there a more infallible Maxim than this, namely, That he is not the worst King, who is the worst Man; but he who has the worst Counsellors about him and Instruments under him. Now K. *James*'s Ministers having escaped all publick Accusation and Chal-

Minister, whom the Law made the only Persons obnoxious to be arraigned and punished, there is thereby another very unfavourable, and, as it may prove, a pernicious Precedent made and established for K. W. For whereas they in K. James's Confidence, and at the Head of his Affairs, should have been only pitched upon to answer criminally for all those Things that were called Miscarriages during his Reigns, he whom both the Constitution, and all the Laws of the Land made not only Insubmissible but innocent, was (as a learned and most worthy Man exprest it once in a Coffee-House) selected as the *Scare-Boar*, to have all the Offences of the Ministers, and of the subordinate Tools of the Government, transferred and laid upon him, and driv'd away, under the Guilt and Weight of them, into a Wilderness and Land of *Ostrivion*: Which Original, should it come to be copied, would, too late, but unhappily to your Master, shew what a bad Minister you are to him. In contracting Guilt which he may be made a Sacrifice to expiate, and committing Crimes undecorning your Character, and contrary to the Duty of your Office, that K. William may undergo the Reproach, and bear the Punishment of them. But to decline the pursuing this Head any further, I shall only take notice now, of the subduing King James to suffer in the Head and room of his Ministers, when the Law had only marked them out as Offerings of Atonement for his Faults (had he been guilty of any) as well as their own, his exposed K. W. to some very ill-natur'd Reflections, but it is hoped they are not so true, as they are piquant. One is, That notwithstanding all the glorious Promises made to the Nation in the Prince of Orange's Declaration, Dated at the Hague, anno 1688, and all the Accusations therein fastned upon, and Menaces denounced against K. James's Ministers, that yet it appears by the Events, and the whole Tenor of Transactions since, how neither the chastising of those ill Men, nor the relieving the Kingdom from Pressures and Oppression, or the redressing what was called Grievances, were the Ends of the P. of O's coming hither, but that his main, if not whole Design was to supplant his Father-in-Law and Uncle, and to get the Crown. To which they add another, namely, That K. W's Justice been mainly instru-

mental in saving and protecting the lower Ministers, who ought to have been punished, and not their Master, was not only to prevent the discouraging, but to embolden those whom he employs himself under the like Character to be the more willing to venture upon illegal Things, and the less to hearken at the executing of his own Arbitrary Commands. Nor do they forswear to subjoin a third, viz. That those ill Men came therefore to be so look'd and cover'd, because they were the Prince's Friends and Tools, while by their Oaths and Plises, they were K. James's Ministers; and that they were hired and induc'd from abroad to betray and disserve their Master at Home, that they might serve and be with Preference for the Prince's Invasion.

But I hasten to my Third Particular, which is, That most of those who serve this Government, as well as all those who relate Allegiance to it, believe him on the Throne is only King *de jure*, but not *de fact*: Not is this merely the Opinion of your Ministers, and those called *Jacobites*, but is the like belief of Two parts in Three of your Subjects who are Vulgarly stiled *Whig-ites*: For it is not that either Law or Religion will force them to acknowledge, Is, That he is a King by *Exalt*, but not by *Right*. 'Tis in this that New-*lock* has many more Followers than *Jacob*-*ite*, the Rich, Great, Learned being of the *Sons* of the former, whereas few but your unthinking *Abb.* and downright *Republicans* are of the *co*-*bel* of the latter. Now all that this Principle can carry any unto, when most under the Impression and Influence of it, is to serve the Government upon the Motives of *Conscience*, but not upon Inducement of *Conscience*. And to submit to it, and exteriorly own it, upon the foot of Safety and Interest, but not on the Score of Duty and internal Reverence. And those men being uneasy through the Reproach that attends their Inconsistency with themselves, and through the Laughs which they receive from their own Minds, for owning that the Righteousness whereof they do not approve, and swearing to uphold a Constitution, which they believe to be not only illegal, but morally unlaudable, they are therefore both weary of the Government, and would be rid of it. And all that hinders their *co*-*ating* openly to it's Subversion, is an

hension, that it cannot be effected without too much private and publick Damage; which restraining Thought, in the Opinion of some, though it may argue the Goodness of their natural Temper, yet it speaks a mean and ungenerous Understanding. Now all these, who are indeed the Bulk of the Nation, are extremely pleased at the Irregularities, illegal Executes, and Miscarriages of the Ministerial Council and Management; there being nothing that they do more covet, than to see the Government loaded with Infamy, and rendered odious as reckoning it a mere Usurpation, and not a lawful Establishment. So that, Sir, your Administration gratifies many Thousands whom you call your Friends, as well as it doth all your Enemies, because the Iniquity and Badness of it gives the one and the other prospect and hopes of seeing the Government pulled down, with more Facility and Resistance than it was set up: But how Loyal you are to your Master in the mean time, we shall discourse anon.

And therefore having discharged the foregoing *Pollulata*, with all the Brevity that the Master would admit, I shall now proceed to a more particular Recapitulation of the Miscarriages in the Conduct of K. *W.*'s Ministers, and chiefly of yours, which have far exceeded that of others in Illegality, Inhumanities and barbarous Practices. And I do challenge all Mankind, ere I advance any further, to name so much as one Thing called a Grievance under the Reign of K. *James*, that has not been repeated or out-gone since the Reign of K. *W.* May be we have not had all the same things over again in *Specie*, but we have had them to the full in the Value and Equivalent. And for those we have not had *specifically* repeated, it is not because they have been thought unlawful, but because the Passions and Inclinations of K. *W.*, and his Ministers are of a different kind from those of K. *James*, and travel in a different Road from what his did. But if the former King did in some things exceed the Bounds which the Law had chalked out as the Measures of his Government, that he might thereby have brought all his People to stand upon the same Level of Capacity, in reference to civil and military Employ, and in order to putting an end to Persecutions for matters of mere

Conscience and revealed Religion, without damage to the Church by Law established, either in its Dignities, Properties or Jurisdictions, they were so Noble and Royal Ends, as might have served to excuse, if not to justify, the little irregular Executes taken and pursued for compassing of them: Whereas we have since the Revolution, not only seen the principal Offices of Honour and Trust, rightfully due only to Natural Subjects, conferred and bestowed chiefly upon *Favoured*, but have had the Misfortune to be often arbitrarily rob'd of our Liberties, which is both the leaving us no legal bottom at all to stand upon, and infinitely worse in it self, than the having our Countrymen, Fellow-Christians and Neighbours brought, in the things fore-mentioned and practised under K. *James's* Reign, to live upon the square with our selves. And the Invasion upon our most essential Right, as well as the first and most inseparable and valuable Property, which is that of the Freedom of our Persons, and Safety of our Mansion-Houses, has been so daring, notorious and often repeated, that the Ministers of K. *W.* have been forced to solicit and procure divers *Acts* of Parliament sometimes, to legitimate them beforehand to commit Rape upon our Liberties; as in the dispensing officer then once with the *Habeas Corpus Act*, and at other times to indemnify them for the Violences they had perpetrated without a previous Allowance. And as we have had the same or the like Oppressions and Grievances renewed, which we pretended to be under, and so much complained of before; so there are two very ill-favoured Aggravations attend the latter, wherewith the former were no ways accompanied. One is, That we have increased our Distress, where we expected our *Remedy*; and that those who set up for our *Physicians*, have enlarged our *Wounds*, in the stead of curing them, and that we have *Physicks* administered to us in the room of healing *Midwives*. All Men know with what different apprehensions in many of the People K. *James* and K. *W.* came to the Crown, and the last as much exceeded our hopes, as the last has disappointed them. The other is, That whereas K. *James* erred upon Example in most Things, without reasonable and temperate Caution given him in any, and upon the Alter-

therity of the Judges (whose Office it was to expound the Laws to him) in some : The Illegallities of this Reign, are, in Contradiction to Promises, in violation of Stipulations, in defiance of Warnings, without the Countenance and Concurrence of the Judges, and with the Improbation of the Parliament, registered in divers of their Addresses : From which it is very obvious for peevish People to draw a couple of unfriendly but very natural Consequences ; namely, that as by repeating the worst of Things chargeable upon King James's Government, as well as by perpetrating those of a more mischievous nature, than any it could be accused of, you have ridiculed all the Motives of his Abdication, and made it an Act of insolent Dilloyalty, and perverseness of Will, and not of Zeal to preserve our Laws, and vindicate our Liberties ; tho had that been as real as it was pretended, it would not have justified the doing of it : So the Ministers of K. w. by doing both the one and the other, have not only given occasion for, and provocation unto another Revolution, but have made it vastly more needful, as well as more vindicable than that which was before.

Now tho the Illegallities and Miscarriages, whereof you are guilty in your Ministerial Administration and Conduct, do extend to all the Parts and Branches of your Office, both as you are a Privy Councillor, and a Secretary of State, and be of no less compass than the vast Latitude of Affairs, wherein you have occasion to interpose, under the one Capacity as well as 'other ; yet I shall not only confine my self at present to those Offences, Transgressions and Crimes, whereof you are accusable as Secretary of State, but even narrow them to such as merely relate to your seizing, detaining, treating Men while in hold, and prosecuting of, them upon pretended criminal Allegations of Treason or Misdemeanor against the Government : And these are so various for their Quality, and many for their Number, that I shall have both sufficiently represented you, and done what becomes me to awaken and alarm the Kingdom, before I have gone through them ; which I purpose to do with all the Brevity imaginable. And the First of this Sort whereof I not only accuse and publish you Guilty, but consign you over to the Parlia-

ment to be impeached and prosecuted for it, is your hounding out the *Messengers* of the Government, armed with *Black-Warrants*, by which they take upon them to apprehend and make a Prey of whom they will ; which is in effect to furnish them with a Pretence, if not to cloath them with an Authority to bid every one Stand, and Deliver whom they meet with. And were not the *Jacobites* more tame, as well as peaceable, than you would have them be believed to be, they would long ere this, without becoming guilty by Law, either of Man-slaughter or Murder, have stab'd or pistoled some of your Officers, who have assaulted and halld them to Prison, under the Countenance of your Hand-and-Scal, without the least mention of Names, by which they ought to have been individually pointed forth as the Perso is to be apprehended. For what is this but to commissionate your Officers to go a *Mucking*, which au ho izeth those that first can to knock them on the Head, in order to secure the publick Peace, and to prevent their going about as privileged *Assassins* of our Laws and Freedom. For a *Badge* and *Black-Warrant* do, according to our Laws, and those of all Nations besides, no more restrain me from resisting, and thereby defending and vindicating the Liberty of my Person, than the *Blew Cloak* and *Cape of Pistols* of a Dutch Trooper do forbid my drawing upon him, when he violently assaults me in the *Street* or *Road*. Nor does the issuing out of such Warrants import any thing less than the furnishing Fellowes with a License to rob Men ; seeing those whom they once seize, must before they recover their Liberty pay down a Ransom for it : Which, to express it with all the Modestie I can, is the transforming the Office of a *Secretary of State*, into that of *Licensor for Picking of Pockets*. And as it is a Rule among a certain Tribe of Men, that the *Holder* and *Receiver* is to have Shares with the *Diver* and *Taker* ; so it gives too much ground for a Suspicion, that either you or your Clerks find your Interest and Advantage in this Pillage. But to wave the giving this Practice any further the Character which it justly deserves, I shall only say that as it is highly illegal, so it is extremely inhumane and barbarous.

A Second Contempt of the Law, as well as neglect of, and deviation from it, in the Exe-

ction of your Place, is, That tho' you insert the Names of those in your Warrants whom you would have seiz'd, yet you do not always express and specify the Crimes, for which you require them to be apprehended. Nor is this Method of your Administration less arbitrary and criminal than the former was : For as no Title you bear, or Character you are cloathed with, empowers you to seize any Man of his Liberty, but whom the Law seizes, nor for any Offence (how much soever it may provoke and enrage Mr. Secretary Frenchard) but that which the Law has made thereunto obnoxious ; so the Commanding to apprehend Men without mentioning their Crimes, is the acting despotically, and the advancing your Will and Passions into the place and room of Laws. It is an *Axiom* in our Constitution, That *Corpus* and *Causa* must go together, and where there is not that which the Law accounts the last, no man, be his Title what it will, is legally empowered to lay hands upon the other. The Monarchy of England is not *Seignioral*, but *Royal* ; being a Government under which we are *Freemen*, having Rights and Properties ; not *Villains* and *Slaves*, who have neither Right nor Property in any thing : And therefore whatsoever the Subject has a Right in, he must both be entitled peaceably and securely to enjoy it, and have a Remedy for the recovering it, if dispossessed and dispossessed. And without these, it's in vain to talk of being governed by Laws, all we are and have being subjected to Will and Pleasure. But so provident is the Law in this matter, that the King's *writ* under his Great Seal cannot imprison a Subject, unless it shews a *Cause* : And were a Writ of that nature sent to a *Sheriff* to be executed, he may return it without doing what is required, and he is no ways punishable for his Disobedience or Neglect, the Writ having been void in Law. And can we imagine, that the King's Warrants, issued out by a Secretary ought to have more power and efficacy by the Law, than his Writ under his Broad Seal hath ? Surely, we must renounce Sense and Understanding ere we sink into such a Belief. And if the Law doth not give you a Power over our Lands and Goods, nor any Prerogative where-with the Kings of England are vested allows you to meddle with any Man's Estate or Chat-

tels ; much less can you in their Name, and by their Authority, imprison our Persons, seeing Scripture as well as Reason do assure us, *That the Body is more worth than Raiment*, where, by Raiment, according to all Expositors as well as the *Canonists*, every thing that is outward is meant, to distinguish it from Corporal. For the Common Law hath so adjusted and circumscribed the King's Prerogative, as that he cannot prejudge any Man in his Inheritance, and the greatest Inheritance a man has, is the Liberty of his Person, all other things being subordinate and subservient to that. Yea, so tender is the Law of our Liberty, that if a Wrong be done to a Man's Person, it does not oblige him to sustain it, and afterwards accept a Remedy ; This being a Rule in Law, *That Corporal Injuries non recipit Estimationem et futuro*, that no Damages recovered by the Injured Person are a sufficient Recompence for a Wrong that is Corporal. And therefore, where the Law doth not seize a Man of his Liberty, and render him Imprisonable, it makes many things lawful in Defence of it, which otherwise would in some particulars be *Trespasses*, and in others very heinous Offences. Accordingly, it is a *Maxim* in the Law, *Quod quis ob custodiam Corporis sui fecerit, id iure fecisse existimat*, That whatsoever a Man does in the necessary Defence of his Person, be is to be esteemed to have done it rightfully. Nor can any man be innocent, that you from Pique, Revenge or Avarice have a mind to make guilty, if your bare writing and pronouncing him so in a Paper with your Hand and Seal to it shall subject him to be treated as if he really were. How often does it come to pass, that Matter which the Law makes no Offence, may give more Provocation to a Minister of State, than that which it declares and publishes a heinous Crime ? Must he therefore be allowed to wreck his Spleen in punishing the former, more than he does employ his Justice in chastising the latter ? For example, Should any one write a *Satyr* on the present Government, with the Wit and Acrimony that *Petrinius Atilius* writ one upon *Nero's* Court, there are few Punishments so severe but the Law would adjudge the Author to them. Whereas should the History of the last five or six Years Transactions be writ with the Truth that becomes an honest Man, and with that

seasoning which may make it palatable to the Age, the Law would render this no Crime, nor subject the Writer to any Penalty; and yet some think, that such a History would more provoke and enrage the Government, as well as render it more ridiculous and contemptible, than all the *Satyrs* in the World would. So that when your Ministers are most angry, there is not always the most legal cause for it. And therefore, if the reasons of every Apprehension and Commitment be not declared in the Warrant, a Man may be treated as a Traitor against K. *William*, and a Conspirator to overthrow the Government, when at the bottom all that the Gentleman is taken up and thrown into Prison for, may be only a piece of Banter upon the *Green-Ribbon Secretary*, or a Lampoon upon the mighty States-man, perfected in the Politicks by the Degrees he took at the *Ross-Club*. For it is not your knowing my Name, and the inserting it into a Warrant, that gives you a Right over my Person and Freedom, but my being charged with some Offence, for which the Law has made me forfeit my Freedom, and rendered me imprisonable. And if my Offence were not to be expressed in the Warrant, I might come to lose my Liberty, tho' innocent of any Crime against the State, merely for being thought to know too much of the Treachery and Bribery of certain Ministers, which an observing Person must shut his Eyes, and stop his Ears, as well as avoid all Conversation, to remain long a Stranger unto. In a Word, we hold not our Liberties by Law, but precariously, and at the Discretion of our Enemies; and are no more Freemen but Slaves, if we were not to be told why we were strip'd and divest'd of them.

A *Third* Thing whereof you are accusable, as departing from and transgressing the Law, in the execution of your Office, is, That tho' you both specify Persons and Crimes in your *Warrants*, yet you order the apprehending Men for those Crimes, upon bare and naked Suspicion, without any Proof or Deposition upon Oath before you of their being guilty of them. The common Tenour of the Warrants for a long time used to be, The empowering the taking up such and such, upon Suspicion of Treason and High Misdemeanour against the Government; till this Form of Commitment com-

ing to be argued at the *King's Bench Bar*, ~~and~~ 1690, such Persons were declared to be taken into Durance *contra Legem Terrae*. For tho' according to Law a Person may be taken up upon Suspicion, yet he cannot be legally detained and imprisoned upon Suspicion, but where there appears no more against him, he is to be discharged, or at least admitted to Bail; There being this Difference between *Dishabelling* and *Bailing*, that the last is a kind of Imprisonment, where's the first is a total Delivery: In the one Case the Man walks abroad, dragging his Chains after him, and as a Prisoner upon Parole to his Sureties: In the other he is a perfect Freeman, and may dispose of himself (so as it is without Injury to any) as he will. But neither the Illegality of the thing in it self, nor the Declaration of the Judges that it is so, has been sufficient to deter you from proceeding sometimes in the same Method and Course. Nor will it fail sooner or later to rise in Judgment against you, that having committed Col. *Parker* to the Tower for High-Treason, as you pretended, yet you told my L. *Lucas*, that you had not Witnesses against him, but were resolved to keep him in hold, till you could procure some. Which that noble Lord imparting to the Colonel, either out of Friendship or tho' Indiscretion, he thereupon contrived and made his Escape. For what less was this than to tell him, that how innocent soever he might be, yet he was to be destroyed, and made a Sacrifice to Malice and Revenge, when he could not be to Justice; and that tho' he was not guilty, yet it was designed and concluded he should be made so: Nor can any Thing be more arbitrary and illegal, than without Information upon Oath to apprehend and commit Men, and because you are pleased to suspect them to be guilty, so treat them therefore as if they were. Surely, If Suspicion be sufficient to render Persons guilty, and subject them to be proceeded against as if they were, very few will be long safe, or accounted innocent. And as your most timorous Creatures are always the most suspicious, which makes the *Ape* and *Baboon* to fear and flee from the *Snail*; so, of all Persons that ever exercised the Office, which you are now honoured to do, you are the best qualified, through constitutional Cowardice and Fear, to over-

new treasonable Suspicions of all such whom you hate, and do therefore dread. But pray Sir, How would you have stiled such a Proceeding heretofore against your self? Seeing your Memory cannot be so weak and treacherous, as that you should have forgotten, how during the several Years that you were really guilty of plotting and conspiring against King Charles the Second, you were nevertheless permitted to live at Ease and Peace, because the Ministers of that Government had not positive Evidence against you: tho' they had all the while both Suspicion enough, and too much Ground for it. And is this the best Return you make the Nation for having been released and discharged out of the Tower, after a short and gentle Confinement, An. 1683. when Hundreds, as well as your self, knew you were guilty to the highest Degree, and yet discharged because there did not appear sufficient and credible Evidence against you? Is this the blessed Advantage we have attained unto by the lying aside those whom we stil'd *Tories*, to introduce and employ such who gloried in the Name of *whigs*? And are these the Felicities we are to reap by a Government under which all the Grievances of former Reigns were both promised and expected to be redressed, to find the Fingers of the Ministers of this, heavier than the Loins of the worst of those that were employed under the two last? Tho' the Woman that had been in the Oven, might be excus'd for looking for her Daughter there, yet it would have been unkind, as well as unnatural and unjul', when she did not find her, to have accounted her guilty, and to have treated her accordingly, merely upon the remembrance of her own Crime. However, it is from this illegal and villainous Practice of apprehending and imprisoning Persons upon naked Suspicions, that you are forced to hawk after, bribe and suborn Witnesses against them after you have taken them into Custody. For this is that which you become in a manner necessitated unto, for the Vindication of your Wisdom and Justice in having committed them. And they had need have a great deal of Virtue, as well as Honour, to entice them to escape the Temptacion to such Villainies, who have run themselves into Circumstances, that they must either get those destroyed, or be disgraced and punished them-

selves. Is it not enough that your Imprisoning any one for Treason is equivalent to a *Si quis* against him, to invite and allure all that can to come in and depose; but that you must send through the 3 Kingdoms, as well as the several Counties of *England*, to enroll and muster Witnesses, and to allow more for levying one qualified for Villany and Impudence to do you Service at the *Old-Bailey* and *Westminster-Hall*, than for listing a whole Foot-Company to fight in *Flanders*. And by setting a Price upon the Lives of innocent Men, but whom you are pleased so suspect as criminal, you draw in the necessitous and mercenary to drag them by Perjuries to Scaffolds and Gibbets. But to conclude this Head, *Felixus* the Heathen *Roman* was better instructed in this Matter, than some of our Christian Secretaries are under all their Advantages of Revelation, seeing he could say, as we have it recorded in the most infallible History, namely, *Ab illis the 25. vñ. the last. That it was without Reason to find a Man to Prison without Cause.*

But I proceed to a Fourth Instance of your violation of the Laws in the Administration of your Office, which is, That when you humble your self to assign the Offences for which you order Men to be apprehended, you frequently alledge and insert in your *Warrants*, those Matters for *Crimes* which the Law does no way account sufficient either for the *sizing* or *detaining* any. Actions are stubborn and unpleasing Things, which it is in the Power of none to alter or raise the value of beyond what the Law has set them at, and stamp them for. So that tho' you may make *Dutch Skillings*, which are not intrinsically worth Two Pence, to pass for an *English Six Pence*, yet you must not think of doing so by Actions, tho' really offensive; and render that Treasonable, which is but an Undecency or at the most a Misdemeanor. To pits at *Whist-Hall-Gate* may draw the Guard upon one till he has paid his Six-Pence, which tho' he be not obliged to do, yet he is willing to bestow, rather than draw a Crowd about him and be honted at; but, it were to push such a matter too far, to send the Man to *Newgate* or to the *Gate-house* for it: And yet I am very apt to believe, that should you produce it as an *Overt-Act*, whereby to prove the Person guilty of having designed to murder

murder K. W. or to blow up the Tower, you might have some London Juries that would both find the Bill and convict him upon it. Tho you be priviledg'd to bestow upon your own Children (whether begotten in Wedlock or out of it) what Names you please, yet you are vested with no Right of giving other Titles to Men's Actions than what the Law has confer'd and fastened upon them. And to speak plainly, your committing Persons (as the usual Tenour of your Warrants run) upon pretence of their having been Aiding and Assisting to K. William's Enemies, without the condescendning to mention the Particulars wherein, which you seldom vouchsafe to do, are no legal Commitments, but highly Arbitrary. For besides, That the Law admitts no Man to be divested and de-feiz'd of his Freedom upon general and indefinite Allegations, without mentioning at the least the Species of the Crime, if not the Individual Act; so there are innumerable Cases, wherein a Person very Loyal to this Government may be aiding and assisting to K. W.'s Enemies, and in the mean time be neither guilty of Treason nor Misdemeanour. For suppose I were indebted to a Banker or a Merchant in Paris the Sum of Ten Thousand Pounds for redeeming my Wife and Children, and ransoming four or five Ships from Jamaica or Barbadoes, on which my whole Estate and Fortune had been imbarqued, which through the Neglect of the Government to protect our Navigation and Commerce, had been taken by French Privatters, whilst our Fleet was fooling away a Campaign, and squandrlug the Treasure of the Nation upon the impracticable Expeditions of Bombing Brest and Callice, and blowing up Dunkirk by your Machine Vessels; this were an aiding K. W.'s Enemies, as well as a relieving my self: And yet it would be so far from being any sort of Crime, that it were a Duty I ow'd my Family, as well as a Justice to my Creditor. Or suppose, that a General Officer in our Army, thro staying too long in the Field to cover the Escape of K. W. and to facilitate the Flight or Retreat of our Troops at the Battle of Landen, and thereby coming to be wounded, made Prisoner, and carried to Namur, where, by Luxemburg's Order, he was better treated than he would have been at Brussels, should, in Recognition of the generous Care that was taken of him, and in gra-

titude for the noble Entertainment he had received, send to the Marechal, at the beginning of this Campaign, 2 or 3 of the best Horles he could purchase for Money; this were certainly to be aiding and assisting to the King's Enemies, and yet none will believe it criminal, and much less a treasonable Offence, unless they be both furnished with your Morals, and enriched with your Law and Politicks. Let us put the Case, That one of the French King's Physicians, or some other near his Person and extreamly in his Confidence, should offer to poyson him, provided K. W. or the Commissioners of the Treasury, would promise to pay them a Sum of Money; most infallibly, the discovering this to Lewis Le Grand, would be an aiding and assisting the only Person in the World whom K. W. thinks most his Enemy: And yet no Man of Sense, Honour or Virtue, would account it a Crime; seeing the Roman consuls detecting the like to Pyrrhus, when in actual War against the Romans, in the very Bowels of their Countrey, was so far from being esteemed an Offence against the State and Commonwealth of Rome, that it had both the Praise of that People then, and the Commendation of all Nations and Ages since, of being a noble, brave and vertuous Action: Or suppose, That some of our almost ruined Merchants, and particularly Mr. —— who lost Shares and Cargos in 23 several Ships, which the French have taken, notwithstanding the utmost Care both of our Royal Navy, and our three and forty Cruisers, appointed by Act of Parliament to secure and preserve our Trade, I say, suppose that such Persons shall (after the Pattern of the Merchants of Amsterdam and Rotterdam) make themselves Freemen and Burgesses of Stockholm or Copenhagen, and in that Quality freely and boldly trade with France, this would not only be an aiding and assisting of the King's Enemies, but the running counter to an expetis Act of Parliament, that makes it highly criminal; yet I do not think that the Government would do wisely to call it Treason, and to prosecute it as any manner of Crime: Unless our Ministers have a Mind to sacrifice the whole Nation to the Interest of the Dutch, and be embarqu'd in a design of breaking the Exchange of London to enrich those of the Seven Provinces. For whatsoever our Law doth make it, yet you cannot be ignorant,

that it was within those few Years accounted to be in the power of British Subjects to transfer their Allegiance to *Foreign States*, this having been not only done, but justified in Print by an *Eminent Divine*, and as Famous a Man, now dignified at *Salisbury*, who under that Plea, *Covert and Protection*, not only corresponded with the Enemies of his natural Prince, but plotted and conspired the highest and basest fac'd Treasons against him. And it were worth our knowing, whether he were not preferred to a Bishoprick upon the Merit of being subject to the *States-General*; and whether he doth not sit in the House of Lords (where he pretends to have a mighty influence over Debates) under the Qualification of the Allegiance he swore to those *High and Mighty*. But may be he has a peculiar Priviledge, which other People claim not, of renouncing and re-assuming his Allegiance as his Interest guides him; and that our Laws are as pliable to that learned Man's Conveniences as his own Conscience is. For *quo tam vultum*. And before I dismiss this Head of your apprehending and imprisoning Men, for what the Law does not hold and account a sufficient Cause for either; I shall remind you of your late Methods of Procedure against Col. *Parker*, and Mr. *Crosby*, who being committed the one to the *Tower*, the other to *Newgate*: And having an assurance of their own Innocence, and that you could legally charge them with no treasonable Crime, did thereupon severally move by their Council, the last *Visits-Term*, for their *Habas Corpus*, and obtained it; but when they expected and should have enjoyed the benefit of it the last Day of the said *Term*, you took care to deprive them of that Favour, by causing to exhibit, and obtaining to have found two *Bills* of High-Treason against them, upon their having been in Arms in *Ireland*, for, and under K. *James*, which could be no legal ground for an Indictment; all such Things (if ever they were Crimes) having been pardoned by the *Articles of Limerick*, and by a Treaty ratified and exchanged, made impunible: And accordingly you never durst since venture to try them upon those Indictments, as knowing that they must have been acquitted, and the Government have undergone the Infamy of all the Trouble and Hazard which those Gentlemen

had been brought unto. So that instead of discharging your Duty and Office in this matter according to Law, you set up to play tricks, in order to elude the Laws, illude the Nation, and oppres free-born Subjects, and that of equal Quality and Education with your self; for which it is hoped, both You, and such of K. *W's* Council at Law as were concerned in it, as well as Mr. *Aaron Smith*, will ere long be made accountable. And the Parliament having, in their former Meeting, begun to take notice of this irregular and illegal committing of Persons, upon Pretences of having aided and assisted the Enemies of the Government, when the Practice neither reached to so many as it now does, nor was accompanied with so much Scandalousness; I shall therefore refer both the further Enquiry into it, and the inflicting those suitable Punishments for it which it deserves, to the next *Session* of the *Two Houses*; where it is little to be doubted, but that the Dishonour and Misery which the Kingdom is sunk into, will in despite of your *Rich's* and *Clarks*, awaken them to be more careful of our Lives and Liberties, as well as of the old *English Constitution*, than their giddy Zeal, or at least an intemperate and *Mobibb* Noise, have allowed them hitherto to think of, with the Circumspection and Prudence which become them, in reference to themselves, their Country and Posterity.

And therefore I advance to a *Fifth* irregular and arbitrary thing, in the manner of your seizing and committing the free-born People of *England*, which is, That when you have both published the Names of the Persons whom you would have taken, and specified the Crimes for which you authorise your Messengers to apprehend them, yet you do not always declare, as you ought, that the legal Transgressions for which you make them Imprisonable were *sworn and deposited upon Oath* before you. For it is not enough, that such and such things are sworn, but it ought to be expres'd in the Warrant, that they are so. And be your personal belief of their Guiltiness of such and such Facts never so well grounded, and be your Credit as good as any can imagine or desire, to reconcile the Faith of others to what you say, yet the Rule, Method and Prescription of the Law are to be obeyed.

obeyed and attended to ; and the Law expressly requires, that you should not only mention in your Warrants, that you are informed of such a Persons having committed those and those criminal Offences ; but that you have the whole Matter, with the enhauncing Circumstances of it, *deposited upon Oath before you*. For so tender is the Law of the Subject's Liberty, that it will not have it depend upon, or be forfeitable upon the most credible Man's Accusation, tho' of never so heinous a Crime, unless he both can and do actually swear to it. Nay further, Our Freedom is of that preciousness, value and esteem in the eye of the Law, that it will not allow a Person's being diseseized and divested of it upon the single Oath of any one, tho' never so great and honourable ; but it expressly requires that there should be more, and that at the least there should be *Two*. 'Tis true, that a Man is liable to be taken up and brought before a Secretary of State, or any other Officer of Justice, upon *one* Oath ; but there must be no less than *Two*, in order to confine and imprison him, and to preclude him from the Benefit of Bail : *Ye, Treason* it self, and the highest that can be imagined, sinks into bare *Misdemeanour*, when there is but *one* Testimony upon Oath against the Offender ; and that which is in it self Capital, becomes in such a case obnoxious only to lesser and more trivial Punishments. I do mention this, because of what was perpetrated by the Ministers of the present Government, *An. 1692.* when so many Persons of all Ranks and Degrees in the Nation were apprehended and committed without any Deposition upon Oath against them, or at the most upon a *single* one. And when some of the first Quality of *England*, after they had made their Application to the Court of *Kings-Bench* in order to be *Bail'd*, were remanded back to Prison upon Mr. Aaron Smith's depositing that he had Evidence against them ; whereas it appeared by the Issue afterwards, that the most he had (if that) against any one of them, was a *single* and individual Witness ; which is no evidence for the detaining of Men, and precluding of them from the *Habeas Corpus Act*, because not legal and according to what the Laws of the Land do require. And it hath very much detracted from the Reputation,

Justice and Honour of the *House of Lords*, that they tamely connived at such an Injury done unto, and Affront put upon their Honourable Fellow-Members, and that they did not both imprison the presumptuous and daring Deposser, and order him to be prosecuted according to the utmost Rigour of the Law, or at the least, that they voted him not to be for ever incapable of serving the Government in any Place or Capacity whatsoever. But we hope they are by this time grown more sensible of their own Dignity and Jurisdiction, as well as what they owe to the Kingdom, the ancient *English Constitution*, and Generations to come : So that they will treat him otherwise the next time he is handed unto and staled before them, which will speedily be done, if for nothing else, yet for the Bills he prefer'd to the *Grand-Jury* against Collonel Parker and Mr. Crosby, in direct Contempt and Defence of the *Articles of Limerick*, which had encl'd and superceded all Prosecutions of that kind, as well as in a visible subserviency both to involve *Ireland* in a new War, and to shake the Peace and Tranquillity of this Kingdom. Seeing, if Stipulations and Agreements be not so duly observed, as that People may rely upon them for their Safety, they will think of finding better Security, tho' they must come to be indebted for it to their Swords. However so it is, that thro' the Parliaments over-looking the Arbitrary and Illegal Proceedings of the Ministers, *An. 1692.* you, Sir, have been encouraged and emboldened to revive and repeat the same unjust Practices in the Year 1694. But we would humbly presume to expect that both the *Houses* will think of hitting that Blow now, which they took not that Notice of then, which they ought. And it is in order thereunto, that we *without Doers* publish our Complaints in this manner to those within ; that if they will not vouchsafe to hear and relieve, the whole Kingdom may understand, both how precariously every Man possesseth all that is valuable unto him, and how little care, particularly their Representatives take of them.

But I hasten to another Grievance which the Subject groaneth under in reference to his Liberty, and which maketh the *Sixth* Illegality in the execution of your Office, and in your Administration of the Affairs of the Govern-
ment

ment, and this is, 'That your Messengers do often search Houses, and that by Night as well as by Day, without the Presence and Company of a Constable or a Headborough. So careful is the Law, in relation to our Liberty, and preservation of the Free-hold that every one has in it, that as it will not suffer the House of a Peer to be searched, nor his Person there apprehended, without the Presence of a *Justice of Peace*; so it doth not allow the breaking into, and searching the House of the meanest *com-mer*, without the Aid and Assistance of a *Constable*, or one of parallel Character, tho in some places otherwise stiled. Those whom the Court calls *Messengers* are no civil Officers, nor does our Law know them by any Title that empowereth them to meddle with Mens Persons or Goods, farther than as they are *Secretary-Office* and *Council-Chamber Porters*, to carry Warrants and Orders from thence to the *Justices of Peace* or *Constables*, to get them executed. Neither have the very *Secretaries* any Authority or Jurisdiction over the Liberty of the Subject, in the Quality and under the Figure of *Secretaries*, but merely as they are themselves *Justices of the Peace*: Tho I know that in their own single Persons, as well as towards others, Mr. *Secretary* doth often supplant Mr. *Justice*, and usurp over him. Yet this I do affirm, that, according to our Laws, alth that they can pretend unto and claim under that Character, is to write Letters, hand the Peoples Petitions to their Master, and his Answers to them, and the like; but they have no power to diselze Men of their Liberties, or take away their Papers, &c. otherwise than as being *Justices of the Peace*. 'Tis true, there is another Thing very much in Fashion, which, for what I pretend to understand either of Masters of Law or State, their Jurisdiction may extend unto; and I am sure that some of them, thro the Profit they make by it, find their Interest in it, and that is the supplying your Gazetteers and Writers of News-Letters with *Cargo* of Intelligence; the Honour whereof I do no wise envy those that practice it, being in my Opinion no better, nor other, than the furnishing Wind at a certain Price to the *Speaking-Trumpets* and *Crack-Fasts* of the Nation. But, Sir, besides the Tyranny you exercise over us, by authorizing or by countenancing your *Messengers*, to break into and

search our Houses, without their being accom-
panied with a Legal and Civil Officer (for all
Power that the Law allows not, is tyrannous
and usurped;) how many particular Mischiefs
are we subjected and enslaved unto by this one
Method of your administering your Office.
For your *Messengers* being Fellows that most
People are wholly Strangers unto, and whom
very few know by Face, and least of all they
whom they are usually hounded out upon,
how liable are we to be robb'd by such as they
may either in Friendship lend their *Badger* unto, or by those that may counterfeit them, that
being every way as feasible as counterfeiting
the publick Coin is, which is every day practised.
Nor while this Course is allowed, are we out of danger of being murdered by
Ruffians, charactering themselves *Messengers*, and furnished with the Passport of a *Badger*.
And this is the more easily practicable, be-
cause those who are real *Messengers* carry many
times only *Blank Warrants*, and at other
times (especially towards meaner People) re-
fuse to produce and shew any at all. But let
us suppose, that none do come to our Houses,
but such who truly are what they vouch them-
selves (tho we can never be sure of it, while
the Method I have been mentioning is allowed,
or connived at;) yet if they exceed their
Bounds, and copy Sir *W. Waller's* Originals.
Pray, in that case, how shall we be redres'd, or
whom shall we attach for Reparations? For it
is upon that account, as well as to keep the
Peace, that the Law ordains and requires the
Presence of a *Constable*, and of such a one as
is of the Neighbourhood; that if we be either
pillaged or otherways injured, we may know
whom to sue and make responsible. And I
am very suspicious what your *Messengers* may
do, in fingering and detaining what they
ought not to meddle with, unless they be under
the Inspection and Restraint of a Civil
Officer, since the time that I heard a very odd
and ungentle Story of your self, which I
have made that just Inquiry into, that I un-
dertake for the Truth of it; Namely, That
upon your being informed, that a certain Gen-
tleman about this Town had the Picture of
the Prince of *Wales* (which certainly
is as lawful for any one to buy and keep
as it is the Pictures of the Emperour *Leopold*
and *K. William*,) you sent for him, I suppose
by

by that Authority which you conceive vested in you as Secretary, and having questioned him about it, and demanding a sight of it, upon his obeying your Command, and gratifying your Request, you put it immediately into your Pocket, and have not to this Day restored it again. Now, pray, what is this but to rob by virtue of the *Seals* of your *Office*, and to teach those under you to do the like by your Example: But it may be it was design'd for you as a Pledge of K. James's Grace and Favour; and of your own Reconciliation to him, and that the manner of your getting into Possession of it, was only Artifice to conceal the Mystery of your having made your Peace with that *Exiled Prince*, and to cover your remaining in the Post you are, about K. w. in order to betray him, of which your whole Administration seems strongly to smell.

But I hasten to another Miscarriage in your Management, which as much declares your acting with Arbitrariness and Illegality, as any of those can do which I have mentioned already; and that is, while you pretend to seize Papers of Treasonable and Seditious Importance, your Officers take and carry with them the *Duds of Men's Estates*, their *Books of Accounts* relative to *Trade*, and their *Letters of private Conversation with their Friends*. All which, as they ought to be preserved Secrets which none should presume to pry into, without Consent of the Owners; so the Law allows no Man a Right and Authority to meddle with them. The disordering Men's Letters, in reference to common and private Business, may sometimes be an Inconveniency not easy to be redressed; and the penetrating into the State and Condition of their Civil and Secular Affairs, may come to affect their Credits that the Wrong is for ever irreparable. There are several, since this Revolution, that will never emerge from under the Inconveniencies and Difficulties which were brought upon them, by the seizing and decalning their Books and Papers, till the *Attorney General*, and Mr. *Axton Smith*, would be at leisure to look them over. I am far from complaining of any Government's seizing Associations against the State; or Letters of treasonable Correspondence; but 'tis illegal as well as rude, to heap a Gentleman's Papers together promiscuously, and to carry them away in the Bulk. And as

none of the Messengers are qualified to distinguish those of dangerous Importance from such as are not; so they are commonly so hasty to be upon the Scent of fresh Game, that they will not allow themselves time to do it, if they could. And in the *paraphrasing* what passeth in Writing between Friends, there ought to be the largest Allowances granted imaginable: For how many Words and Sentences may there be, in familiar Letters, between intimate and ingenious Acquaintance, that were very innocently intended, and yet by a malicious Interpretation may be easily transformed into *Liberis*? The *Earl of Shaftesbury's Catalogue of Men Worthy, and Worthy Men*, imported no legal Offence, and yet what a Noise was made of it, even to an *Essay* of grafting a Plot upon it heretofore. There are few in the Kingdom, of Genteel Learning, Political Observations, or of a large Converse, but, were their Studies ransack'd and pillag'd, there would be something met with that would displease a peevish & Hypocondrycal States-man; and yet they with whom they were found, may, notwithstanding that, be Loyal even to Bigotry. And, as if it were not highly illegal, as well as extremely damageable to the Person concerned, to have all his Papers seized promiscuously, and in the gross, There is another Thing commonly practized in these Cases by your Messengers, which is of most threatening, and may be of fatal Consequence; and that is their neither *numbering* nor *marking* them themselves, nor allowing those concern'd and from whom they seize them to do it; which is to expose and make obnoxious those, with whom they were taken, to have others shuffled in among them that were not there before. And this is practicable so many ways, that, where this previous Security is not vouchsafed, the Prisoner is by the *Civil Law*, which is the *Law of Nations*, made unaccountable, even for those very Papers which were taken with him: For the Law, that always favoureth the Accused, will suppose that to be done by them who prosecute, which they have furnished themselves with so fair an occasion for the doing of. This preferred Monsieur *Folquett*, when the late *Colbert*, who was at that time the chief Favourite of *France*, prosecuted him with all the Arts as well as all the Malice he could. And while we hot only pre-
fer

fer our own Laws so much above theirs, but so infinitely extol the Justice and Mercy of K. W. beyond those of K. Lewis, we might very well expect (tho I cannot tell whether we may hope for it, if some Ministers be hearkened unto) that we may have the same equal dealing at London and Westminster, which are met with at Paris. For how easy is it for some (where the fore-mentioned Care is not had and observed) by the Aid and Assistance of their Old Friend *Parson Young*, both to counterfeit what Hands and forge what Treasonable Papers they please, and then to have it worn by their bribed Mercenaries, that they are the Hand-Writing of such or such a one, and taken in the Custody of this or that Man, whom they have a mind to have destroyed. So that upon this account, as well as that there were no Papers taken about him, all the Treasonable Writings and Correspondencies, with which Mr. *Crosby* is loaded, signify no more, in Law to affect him, than if they were Old *Almanacks*; and the Crimes pretended to be wittenable by those Papers, can, according to Law, (may he be but allowed the benefit of it) no more hurt or prejudice him, than if they were *Bagatelles* or *Scories of Robin Hood and Little John*. And our Ministers, were they not in a Conspiracy to waste the Treasure of the Nation, as ridiculously as well as uselessly, as *My Lord Meevers* does it upon *Machises*, might have spared the Expence of bringing People from *Ireland* to swear to the Similitude of his Hand, seeing while the Kingdom remembers what a late Favourite *Young* was with some of our Statesmen, and the Service he employ'd himself about; nothing like the Similitude of Hands can influence the Belief of any Man, that is not on the Score of Distraction and Folly fit for *Bedlam*, or upon the account of *Villainy* for *Bridewell*. Nor will it be very grateful to the Nation, instead of better Diversification given unto them, to have the Tragedy of *Colonel Algernon Sidney* re-acted before them. To which I shall subjoin, under this Head, That as several Papers relating to Mens Trade and Estates, &c. have been lost and embezzled, before the *Secretaries* could fall into the good Humour, or so far recover the Sense of Justice and Honour, as to order them to be returned; so sometimes they have been wholly detained, and refused upon

any Terms to be restored. Of this I have an Instance in a particular Friend, who having all his Papers taken by a Messenger, and carried to the *Secretary's Office*, he could never recover one of them, tho there was not a *Script* among them of a treasonable or seditious Importance: And the loss of them was not only an Injury to the Gentleman, as it was a robbing him of his Goods and Property, but as it was a depriving him of the means of getting Bread to himself and Family: There having been several of them prepared for the Press, in order to convey to posterity the remembrance of Actions that are past, and to remain as *Memoirs* to assist such as may write the History of the two late Reigns. And since they were withheld from the Author, after they had been several times demanded, they have been either hired out for Money, or lent abroad in Courtesy to divers to be peruted: But he from whom they were plundered hath this to comfort him, that the *Minister of State* by whose Order and Authority they were taken, is a Person sufficiently responsible; and he may assure himself that the Sufferer is not of that tame and pusillanimous Temper, but that he will sooner or later make him account for them: And if he cannot obtain Satisfaction by Legal Methods, he will make Reprisals in the best ways he can, but in such as shall be always honourable and just. Yet I may hereunto add, That your *Messengers*, and those other Persons whom you employ upon these Errands, don't only carry away Papers with them, which they have no right to meddle with, but they rob Men of their Money, as if it were Treason for such as you stile *Jacobites* to have Silver or Gold by them. Of this we have a late as well as a famous Instance, in that *Harry Baker*, accompanied with the *Dutch Conservators* of our Liberties, did either feloniously rob, or militarily plunder Mr. *Widley* of a Purse full of old Gold, while they were racking his Closets, in search (as they pretended) of treasonable and seditious Papers. And these are the blessed Fruits we reap, by retaining and luxuriously feeding these *Midions* in *England*, while our *British Troops* are near starving in *Flanders*, and dropping into another World by Hundreds and Thousands in defending the *Barries* of the *Spanish Provinces*. But tho those *Holland Troopers* may be

above the Cognizance and Animadversion of our Laws, in Compensation for their having rescued and preserved them unto us, at a time when we were in as full and quiet enjoyment of our Properties as ever we were, save that in Defence to the *Declaration* dated at the *Hague, Anno 1683*, we were bound in defiance of Sense and Experience to believe them to have been trampled upon and annulled: Yet we hope that neither *Harry Baker*, nor you who commissionated him down to *Lancashire* and *Cheshire* are above being made responsible for this and divers other Criminal Injuries there perpetrated.

The next Illegality which makes the *Eighth*, whereof I accuse you in the execution of your Office, is the detaining those whom your *Messengers* have taken for a long time in Custody, *without vouchsafing to call for and examine them*. You ought to know (having been bred to the Gown) that every Hours Restraint, when there is no legal Cause for it, is false Imprisonment, which fastens a high *Trépass* and *Misdemeanor* upon the Actor, and rendereth him obnoxious to Punishment. Nor is it enough to plead want of Leisure to send for and question them (which is your common Excuse when addressed unto about it) seeing he who is not at Leisure to discharge the Duty of his Place, ought not to be allowed the Priviledge to hold it for a Day. And it is strange that you should have always time enough for issuing out your Warrants to apprehend Men, which is for the most part the doing them Injustice, and you should want it for Weeks and Months, when you should not only do them and their Families Right, but the Kingdom likewise. For tho the immediate Wrong be done to particular Persons, yet both the Constitution cometh thereby to be reproached, and the whole Community suffereth in that pernicious Example. And I cannot omit both the telling you, and the advertising the King's dom, that when you have least wherewith to charge the Prisoner, you usually delay the longer e're you condescend to examine him: Which is in effect to say, That you are resolved to punish him out of *Malice*, when you sufficiently understand that if you would allow him the Favour of being heard, you cannot do it in *Justice*. How Criminal do you render your self before God, and punishable as well

as reproachable by Men, by suffering a Free-born Subject to lie three or four Months unheard at a *Messengers*; and at last when you condescend to examine him, to find your self under a Necessity sometimes of discharging him immediately, and at other times of admitting him to Bail: Which is plainly to acknowledge that he was wrongfully kept in Custody during all the time he was held in Durance. And in the *Interim*, while he is thus illegally and unjustly treated; if he was a *Tradefman* he has lost his *Customers*; if a *Physician* his *Patients*; if a *Lawyer* his *Clients*; and is extreamly prejudiced, if not wholly ruined, of whatsoeuer Course of Life he was. And if I do not mistake, no Man tho never so legally seized is to be sent to Prison, until he hath been brought before some proper and competent Magistrate, and hath been there examined. And I am sure that whatsoeuer the Law prescribes in this Matter, Reason tells us it should be so; seeing it is possible that a Person may be taken up upon Mistake, which his being examined may easily rectify. Nor do we want Examples, how sometimes, thro *Similitude*, and at other times thro Identity of Names, a *very innocent* Person has been apprehended in the stead of one that was Criminal. And of this both the *Popish Plot*, and the *Conspiracy* in 1682, have furnished us with several Instances. Which as nothing could adjust but an Appearance before a Magistrate, so it is absolutely needful, in order to shew the *Equity* and *Righteouness* of your Proceedings. And this is yet more indispensably necessary, when Persons are seized upon *blank Warrants*, where the *Envy* or *Covetousness* of the *Messenger* do more govern him in whom he apprehends, than the Paper with a *Hand*, and *Seal* annexed unto it, which you arbitrarily and illegally gave him. Nay, it is possible that when there is no mistake committed in the Person that is taken up, that yet he may be able so fully to convince you of your having been misinformed in the Matters for which he was seized, that the bare examining of him will both vindicate his Innocency, and prevent your dishonouring the Government, and the making your self punishable for keeping a guiltless Person in Durance. Of this I could give you many Instances; but I shall only affix that of *Mr. Matthew Mud the Minister*,

Minister, who was taken up in the Year 1683, not only upon grounds of just Suspition, but upon positive Information given in against him. And yet thro obtaining the Justice as well as Favour of being examined before the King in Council, he did so well justify himself, and with that Wit and presence of Mind, that he was immediately discharged and dismissed home to his Family. Nor is it for the Credit of King *W*'s Reign, under which we expected more Fairnes and Generosity, as well as more Justice, than were said by you and some others to be exercised under that of King *Charles*, that the Subjects should meet with harder Measure in 94, than they did in 83; and be worse treated now than they were then. But it seems we are disappointed of our Expectations in this, as well as in most Things else; which makes some think that we are sunk back into the Times of *Oliver Cromwel*, when all the Laws in reference to the Liberty of the Subject were superceded and trampled upon, as well as those which related to the righful Enjoyment to the Crown. And some do not forbear to say, That there was more *deorum* as well as Justice observed under that *Usurpation*, than there is under this *Conventional* constituted *Gouvernemt*. To which may be added, That the old *Tory* Secretary *Sir Lionel Jenkins*, had more Sence, Uprightnes and Honour, than to be guilty of those *Illegalities* and *Oppressions*, which his *whig* Successor Secretary *Treshard* commits without Shame or Remorse.

But I advance to a *Ninth* Particular in your daily Practice, whereof I do both accuse you, and do affirm it to be one of the highest *Oppressions* and greatest *Illegalities* imaginable; and that is your *confining* Men to *Messengers Houses*, which neither are, nor never were, accounted legal Prisons. And what is this, but to make your *Messengers* such *amphibious* Creatures, as that we cannot tell of what *Species* they are. Surely it is needful that you shoud define them, that we may know whether they are *Goalers* or *Messengers*, for according to Law they cannot be both. For tho our Laws cannot prevent Natural, yet they do allow no *Court Hermaphrodites*: Nor are two Sexes twisted into one individual so ominous in the Elementary World, or such Prodigies in Nations as *Messinger* and *Goaler* brought to center

in one Person are in Civil and Political States. For besides other Mischiefes that may attend this common practice, there ar *Three* that are inseparable from it, and all of them Inconfis-
tent with, and destructive of, the Subjects right unto his Liberty. One is, that by this Method of confining Men, the *Judges*, who by their Places, Employes and Characters, are the *Guardians* of every Man's Freedom, and the *Guarantees* between King and People, are precluded from all regular ways of knowing who are taken into and kept under Custody. Whereas were all Prisoners committed to *Legal Goals*, they could not miss having cognizance of them at the respective *Sessions* here in Town, and at the *Affizes* in the Country. For the *Goals* being obliged at those Times to give in a *Kalendar* or *List* of all they have under their Custody, it cannot then escape arriving at their *Knowledg* who they are. And, as many are kept in Captivity for Months and Years without the *Judges* receiving any Intelligence of them; so if at any time they come to attain it, by the Reports of those that visit them, and as a part of the *Common News*, as I do not know they can judicially take notice of it, so I believe they are not by their Duty obliged to it: And for them to meddle beyond that would be to have their *Salaries* paid worse than they are, which they are already ill enough. For tho they hold their Places *quam diu bene se gerificant*, yet as to the time of being paid their *Salaries*, they are under a *benefacitum*. Nor could an *Act* be obtained to rectify this, and relieve them from a precarious Dependance, tho a *Bill* had past both Houses, and was offered to King *W*. in order to the obtaining the Royal Assent for it: But he preferred his own Interest to that of his People, and refused it. For among the many other Blessings which we have attained by the late Revolution, that of having more *Negativus* given to publick *Wills* in *five* years, than had been given in *thirty eight* before, may be reckoned for one, and that not of the smallest Size. Another Mischief accompanying this Practice of committing Prisoners to *Messengers Houses*, is the robbing them of the Priviledg and Benefit of being delivered out of their Thralldom and restored to their Liberty with that Conveniency and Spedg as otherwise they might

might : For those Houses being out of the Circle of a Commission of *Oyer and Terminer* at the *Old Bailey*, such as are coopt up in them do sue in vain for Remedy at the *Sessions*. Of this we have had the Misfortune to see many doleful Instances, and some very lately. And Applications of this nature being usually made the last Day of the *Sessions*, and after the Dispatch of all the Tryals, when the Judges are seldom on the *Bench*, Honest *Salathiel*, whose Learning, Wisdom and Justice are all of a Size, does not only reject them with Scorn and Contempt, but treats those who make the *Motions*, with the Pride and Insolence which supply the room of other Qualifications requisite for his Place. Nor can any give the Dimensions of this Grievance, but they who having been thrown into the Dens of Lyons at the beginning of a long *Vacation*, have been forced to continue under their Paws and Teeth as well as remain deprived of their Liberties, withheld from their Families, and shut out from all their Business, till the last Day of *Michaelmas Term*. To which I subjoin a *Third Plague* that inseparably cleaves to this way of Commitment, namely, That it tempts the *Messengers* to suborn Rascally Fellows in Town and Country to inform and depose against Honest and Quiet Men, that they may have an Opportunity administered of preying upon and fleecing of them. And considering the Morals of most of them, it is more than probable in reference to many, and proof can be made of it in relation to some, how they employ *Setters* to entangle Persons into their Clutches, and have their *Spaniels* to start Game for them to worry. Nor is it much to be wondered at, that having purchased their Places at dear Rates, they should sell the Devil as well as they had bought him. And their customary Salaries being but ill paid, the Government being usually a Year or two in Arrear to them, while *German* Troops abroad, and *Dutch* Projectors, under the Notion of Incomparable Artists and *Ingenieurs* at Home, swallow up our Money even to the starving almost King *W*'s Household ; few People will think it strange, if those Blades, who have neither Honour nor Conscience to restrain them, should purvey for a Subsistence in all the ways they possibly can, without regard to the Justice of them. And I will further add upon this Head, That if those who

are forcibly detained in such Hands and Places shall make their Escapes, the Law neither doth nor can make any Crime of it : For whatsoever Cognizance it takes of Escapes out of Legal Prisons, and whatsoever Punishment it makes the Officer in that Case obnoxious unto ; yet it can annex no Penalties where it hath made no Establishments, nor inflict Chastisement for not remaining, where it is so far from requiring, that it doth not allow that any Man should be. And if the Law of *1 Ed. 2. de frangentibus Prisonam*, doth neither make the Person that breaks Prison, nor the *Goaler* the contents to it, (tho' he whom he had in Custody were guilty of High Treason) corporally punishable, and much less with death, unless the Warrant by which the said Person was committed express and declare the *causa* of his Commitment : By parity of Reason, an Escape out of an *illegal Prison*, is as little punishable. Seeing the Law that hath ordered it to be always specified and declared for what Cause Men are taken into Custody, hath taken no less care in providing whither they are to be sent, and in what Places they are to be detained.

But I hasten to a *Tenth Grievance*, under which the Subject groans thro your illegal execution of your Office towards those you apprehend and commit, and that is in the inferring it not encouraging and authorizing those called Prisoners of State to be treated both in *Goals* and in *Messengers* Houses with the utmost *Barbarity, Rudeness and Insolency*. For whatsoever you do not either prevent or remedy, when you both ought and may, you must be thought to justify and allow, and ought accordingly to be made responsible for it. Prisons are not by the Law intended for Punishments, but only for the detaining Persons accused in safe Custody till they come to be tried, and do either vindicate their *Innocency*, or be convicted of their *Guilt*. And as it is to be supposed in Justice as well as Charity, that every Man, notwithstanding what is informed and deposited against him, may be innocent till he be proved and found guilty ; so he ought in the mean time to be treated with all the humanity and fairness that are consistent with the preserving him safe, and forth-coming to a Tryal. But that it is wholly otherwise I shall endeavour to lay before the Nation, in several

several Particulars, that if they have any Sense left of the Rights of English-men, or any Bowels towards their oppressed Country-men and Brethren, or any Apprehension or Prospect of what may be their own Portion and Lot, they may resent the Injuries answerable to the Weight and Importance of them ; and by application to their Representatives in Parliament endeavour to get them both Reverged and Remedied. Nor will I insist upon the little and mean Injury, tho it be hainous enough to many in some Circumstances, that is commonly practiced in all your *Goals*, and particularly in *Newgate* towards Prisoners ; which is the denying them the Liberty to purchase their Bread and Beer from abroad, but forcing them to buy them in the *Goal* at those scanty and stinted Measures which the *Goalers* think fit to allow. And the *Sutler* giving several hundreds of Pounds for his Place hath no other way to reimburse himself, and make provision for his Family and Postleth, than by abridging Prisoners in the Quantity, as well as by defrauding them in the Kind of what they ought to have. But I shall reduce all I have to say on this Head to the following Particulars, and branch this one general Grievance into Five kinds of Tyranny and Oppression exercised over the Subject in this Matter ; whereof the First is the shutting up Men without regard to their Age, Quality, natural or adventitious Infirmities, or to the former method of their Living, under close Confinement, neither allowing them the Freedom of the respective Prisons, nor the benefit of that little Air which those Places afford. I do know that the Law speaks of *arcta Custodia* as well as *Libera*, but as it is only either for some infamous Facts, or for Persons from whose ill Character some attempt may be justly feared of making their Escape, that the first is ordained ; so it is not intended by it, that Men should be locked up Weeks and Months within narrow, moist, and dark Rooms, with Warders lying in their Chambers all Night, as well as *Centinels* constantly at their Doors, which is the Method of your Lieutenant of the Tower towards his Prisoners ; who tho he be a Peer, may be said to be a Stranger to the Breeding and Civility of an ordinary Gentleman ; and of whom it may be affirmed without *scandalum*, That of the whole

Bench, whether Earls or Barons, he is worst thief for the Character he bears, and the best adapted to it, having more of the true and proper Qualities of a *Goaler* than others are ambitious of being endued with, or capable of attaining unto. And to convince all Mankind that this is a Piece of despoticall Tyranny, and not what the Law requireth, or whereunto the *Goalers* duty obligeth him, they both can and do dispence with much of this Severity, and practice more Humanity and Gentleness, when they are liberally bribed to it ; which proclaims them either barbarous Oppressors in the one case, or treacherous Rogues in the other. For as upon the one hand, if the Law restrains them from using that Moderation, they are Villains and Traytors to those that trust them in exercising of it ; so upon the other, if the Law exacteth all that Civility and Fairness of De-meanour from them towards those who are their Prisoners, which is consistent with the keeping them safe, then they are brutal Tyrants, and worse than *Bashaws* in refusing it. But besides this, there is a Second Sort of Oppression practiced upon all your Prisoners of State in whatsoever Places they come to be confined ; and that is, The demanding and exacting from them illegal and exorbitant Fees. I do not deny but the Law alloweth some small Thing, by way of Fee, to the Keepers of City and County *Goals*, but it bears no proportion to what they require, and you Sir, as Secretary of State, countenance them to take. But for your *Messengers* I do know no Law that allows one Farthing to them from the Prisoner by way of Fee : For being the immediate Servants of the Court, they are to expect their Wages from those that set them at work, and whose Drudgery they do. Nor is it possible that according to Law, they can challenge any Thing from those they detain in Custody, seeing our Laws know none bearing those Names for *Goalers*, nor acknowledge any such Houses as theirs for Prisons. As for your Lieutenant of the Tower, I am told that there is only a *Groat* legally due to him ; and that if more be given him, it is meer Gratuity, for which, tho never so little, he ought to make a Leg, and be thankful. By what Name then shall we call that Exaction of exorbitant and illegal Fees from Prisoners

of State, which hath been more practised since the late Revolution than ever it was before, and under your Ministry than that of any other? For Extortion is too diminutive a Title for it; nor can it be otherwise accounted of, than as a higher Degree of Oppression than any perpetrated in the Dominions of the *Grand Seignior* and *Great Mogul*. And it would seem that some of your Ministers do reckon that you are in a State of War with the *English at Home*, as well as with the *French Abroad*; and that you may treat the Prisoners you make in the same manner as the Soldiers do those of the Enemies they take in the Field, where all they find upon the Captive is held lawful Plunder. So excessive are the Fees which are every where exacted of those called Prisoners of State, that a very great Fine inflicted for a High Misdemeanour against the Government, would not amount to so much, nor be so grievous, were the Prisoners tried and convicted immediately, as the lying Five or Six Months in a Messenger's hands, or in Goal at Newgate, ariseth unto in bare and naked Fees. Yea many, who when admitted to Tryal are found innocent and acquitted, find themselves so impoverished thro paying for so long time the large Fees that have been exacted of them, that they are for ever after disabled from getting Bread for themselves and Families. Nor is the suffering and allowing this Extortion any ways serviceable to the Government, which you pretend to preserve and uphold; seeing more are of the Humour of the *Gascoigne* than you imagine, who told one of the Kings of *France*, that tho the whole Treasure of the Kingdom could not bribe him to be Disloyal, yet he did not know but that an Affront or Oppression might provoke him to turn Rebel. For many will chuse rather to run the hazard of dying by the Swords of your armed Troops than to be eat up piece-Meal and Limb after Limb by your Messengers and Gaolers, which is like the being gnawed by Mice and Rats, instead of being devoured by Lyons. But you know in whose Reign, and by whom it was said, *suntant Je mori, let them feel themselves die*; and that he was not so much in favour with those he either feared or hated, as to allow them the Privilege of expiring speedily. A third barbarous Illegality exercised towards those you have in Custody, is,

The refusing their nearest Relations, and most necessary Friends, admission to them; whose Company, if needful and comfortable at any time, is while they are in such Circumstances more especially so. This was a Hardship seldom practised heretofore, tho grown much into Fashion since the late Revolution: Nor was either the Earl of *Shaftsbury* or the Earl of *Exeter* denied the attendance of their own Servants, under the severe Reign of King Charles, and those we called his Despotic Ministers, as my Lord *Molineux* and the *Lancashire Gentlemen* are, under the Gracious Reign of K. *W.*, and easy Administration of those he employ'd in the Head of his Civil Affairs. For since the Exchange was made of Princes, some have stood confined for many Months, if not Years, and none suffered to go near them besides Goalers. I do acknowledge that in some Cases, and towards some Prisoners, it may not be convenient that any should have the Liberty of access to them, save in the Presence of a Keeper; but with that *Proviso* and that *Circumspection*, there cannot be the least danger of giving their Friends and Relations admission to them at seasonable Hours. For whatsoever can be vouchsafed a Prisoner, without Danger to the Government, or in Subserviency to the making an Escape, the Law requireth that it should not be denied him. And that it is not from any care of preferring the Government, or apprehension of the Prisoners contriving an Escape, that this Privilege is with-held from them, but from Covetousness to squeeze Money out of them, is apparent from hence, that upon Application for leave and paying down so much for an *Order* of Admittance from the Secretary, the Liberty which was before refused is then granted. But then the Mischief is, that this *Order* will for the most part give only a Freedom of Access to the Prisoner for once, and that whosoever would go again must pay down another Fee to get it renewed: And this Method is held, till you and your Clerks have levied for many daily or weekly Taxes on the Subject as satisfy your Avarice, and then a general one is vouchsafed, by which either any Person is allowed to see the Prisoner, or at least that such and such may do it, as are therein mentioned and expressed. And this customary Practice of some Secretaries in oppressing the Subjects,

encourageth *Goals* to do the like, which tho they cannot exemplify in the same manner, yet they imitate it as well as they can. So that even when the Secretary does no way intend by his Form of Commitment, that the Prisoner should be debarred the sight of his Relations and Friends, yet the Goaler will not admit them, unless they make their Address by *Quisites*, and seek his Favour by the Intercession of *Angels*, and then the Doors fly-open, and the Prisoner may be seen and conversed with. To which may be added as a *Fourth* Illegal Severity used towards Prisoners under their Confinements, that they are refused the having their *Counsellors* and *Solicitors* admitted to them, when they need and desire them. For as if their Conditions were not distressful enough, thro a shameful defect in our Laws, in not allowing them the Assistance of Council at and upon their Tryals for Treasonable Offences, which no Laws in the World besides ours but allow. You, Sir, render it more deplorable and worse by denying them to speak with their Council freely, and as often as they please before, which is the robbing them of a Right, which the Law under all its other Deficiencies in this matter grants unto them. For a *Counsellor* at Law is the same thing to a Person confined, and to be arraigned for a Conspiracy against the Government, that a Physician is to one sick of a dangerous and malignant Distemper; nor ought the First be refused the coming to his *Client* with the same Freedom that the Latter goes to his *Patient*. I do the rather insist upon this, because of the unpresidented Barbarity used towards Mr. *Croft*, even after he had warning given him by Mr. *Aaron Smith* to provide for his Tryal. For tho Mr. *Mompesson*, who is his *Council*, and Mr. *Barleigh*, who is his *Solicitor*, had admission to see him, yet they neither were, nor yet are permitted to speak with him, but in the Presence of a *Keeper*. Which is not only all one, but much worse than if they were not suffered to come near him at all; so it does put him only to the expence of so many Fees, without leaving him in a Condition either to declare with Safety his own Case, or to receive their Advice. And the Fellows fastened upon him at those Seasons are only so many Spies, whose Business is to observe what he does say, that so if he discover the least Thing,

which being known may do him hurt, they may be ready as *Witnesses* and depose against him, and thereby supply the want that the Government still laboureth under in that matter, after they have hunted through the three Kingdoms to procure such as with any probability may swear him out of his Life. And through this Severity put upon Prisoners for High Treason, which most in both Houses of Parliament, as well as the generality of the Kingdom, and even Mr. *Secretary Trenchard* ostner than the rest have been guilty of, they are worse treated than *Felons*, *Murthurers*, and *Highway-men* are; that being never denied to the latter, which is thus scandalously refused the former. To which I subjoin in the fifth and last place, as another hainous and intolerable Grievance put upon State Prisoners in some *Goals*, and that this is the subjecting them to *wear Irons*, unless they redeem themselves from the Barbarity by Money. For tho I cannot tell whether this Inhumanity be exercised towards Prisoners by your Authority, or merely by your Commaunce; yet this I am sure of, that Exercised it is, and that upon Persons whose Quality, Education and Character, equal them to your self in every thing, save that they are not advanced to the Honour by being vested with the *Seals* of the Office. Nor is this only a punishing of Men before they be convicted, or proved guilty of the least Crime (seeing none will deny, but that the wearing Irons is a Punishment, and that as Grievous as it is Ignominious) but it is a Treating them as if they were actually Sentenced and Condemned to *Gallys*, and not as such as are merely put under Confinement to be kept in safe Custody until they can be brought to undergo a Legal Tryal. Now this is so commonly practised upon all that are committed to *Newgate* upon pretence of having conspired against the Government, that I need not assign particular Instances of it, tho divers very late ones are producable; and for which, if reparation cannot legally be obtained against *Fill the Keeper*, Gentlemen will be tempted whensoever they recover their Liberty to vindicate themselves by a *Cane*, if not by a *Sword*, from the dishonour that has been done them: However I do both lay this Barbarity at your Door unless remedied; and offer

offer it to the Cognizance and Animadversion of the Parliament the next Sessions. If they be not either so employed about Ways and Means for carrying on a vigorous War against France, that they cannot find leisure for what concerns the preserving our Rights and Liberties at home ; or that some of them have a mind to suffer poor Jacobites to remain unrelieved in this particular, till some of the Advocates for the Mercy of this Government, and who have laboured so strenuously for the Redress of those Grievances which we complained of under former, may come themselves to fall under this Barbarity, which it is not impossible but that sooner or later they may. However this ignominious Severity is not inflicted upon State Prisoners in pursuance either of Common or Statute Law, seeing by bestowing a few Guineas on the Keeper they may either prevent it, or rescue themselves from it, when they please. But in the mean time I would desire to know, by what *Act* of Parliament, either *Fell*, or any other *Goalier*, becomes authorised to levy arbitrary and exorbitant Taxes upon any of the People of England ; and how our *Ministers* either of *Justice* or *State* can answer the conning at it under a Government that is Legal, and not Dispotical ?

But it is now time to advance to the next Grievance under which Prisoners of State do suffer, which makes the Eleventh Illegality, which in the Course of your Administration you exercise towards them ; and that is, The refusing to admit them to *Bail* in Cases that are by Law bailable, and the allowing none for sufficient *Bail*, but such as Mr. Aaron Smith thinks fit to approve of. It would extend this Paper to an undue length, to call over and enlarge upon all the *Cases* according as the Weight and Importance of them do require, in which you refuse to admit Persons to bail, when you not only may, but ought to do it. As when Men are taken up upon bare Suspicion ; when the Suggestions and Informations made against them are trifling and frivolous ; when the Depositions before you are not upon Oath ; when there is only one Witness that sweareth to what is depos'd ; when such as swear, tho' never so many are to your own knowledge suborned and infamous Fellows ; or when the Informations are not made to your

self, but handed to you from a *Scotch Secretary*, who is allowed by our Law to take no further cognisance of English Affairs than as he sendeth those whom he finds capable to inform, either to your self, or to some other Officer of Justice, whom the Laws have authorised to receive Depositions against English-men. In all these Cases, to mention no more, you are bound by the Duty of your Place to admit such as are apprehended to *Bail*. But your practice in all of them is much otherwise ; yea, so little do you either value the Liberty of your Fellow Subject, or regard the Authority of the *Laws of England*, or are apprehensive of the Justice of a Parliament, that when applied unto upon such occasions, you do with a scowful Smile, which is as the *oyling* of your Hone, bid them go and seek their Relief at the *Old Bailey*, or at *Westminster-Hall*. But as every one you send to Prison is not so well furnished in the Pocket as to be at the Charges of obtaining *Remedy* in those Places ; so for any to remain arbitrarily robbed of their Liberty all opportunities offer there of recovering it, is a Scandal to the Government, and a high Oppression of the Subject. Nor needs there more to unfold and display your Guilt in this matter, and to apparel it with the most aggravating Circumstances, than that after you have kept Men many Months in Prison for High Treason, but are at last forced to prosecute and bring them to a *Trial*, you do then either discharge them without the preferring of Bills of any kind against them, or at most do dwindle them into Bills for *Misdemeanor*, or may be try them for drinking King James's Health. Whereas instead of making that a *Crime*, it would become the Wisdom of the Government upon the Score of Interest, to get a Prayer inserted into the *Liturgy* for it, and to enjoy it as a part of every Mans dayly Devotion ; seeing it is not from any Satisfaction that the People have in the Government, and much less from any Love they bear to it, that under so many Disappointments, such vast Charges and inconceivable Losses, they to quietly and with that tameless submit unto it. But it is from a vain dread of King James, thro' an unjust as well as uncharitable Apprehension, that his Revenge will be proportionable to their Guilt ; where-

shengs whoſoever allows himſelf Liberty to think, will find that King James is no leſſe-
militated in being repreſented *reuiengſt* in
order to hinder and prevent his Reſtoration,
than he was here ofore in the matter of a
French League, and a *Suppoſitiouſ Prince* of
Wales, in the Subierviency to the driving
him from his Throne. Nor can that Prince
who was enriched with Mercy to pardon
Mr. John Tracyard, who had not only brought
into the Houſe of Commons the *Bill* by which
he was to have been excluded from Succession
to the Crown, but who had been involved
in the Duke of Monmouth's Invasion, *An. 1683*,
as well as in the Plot about an Insurrecion
An. 1682; I ſay, that Prince cannot be ima-
gined to labour under deficiencies of Grace
and Mercy for pardoning any of his People,
even the moſt hainous Offenders, that by ſe-
rving to their Duty will make themſelves
capible Objects of it. But as your refuſing
to admit Prisoners to *Bail*, in Cases that are by
Law *Bailable*, is a great Injuſtice in you, and
a high Oppreſſion upon them; fo the allowing
none to stand for *Bail* in behalf of Prisoners,
*but ſuch as Mr. Aaron Smith will accept and re-
commend unto you*, is an *Act* of that Tyranny and
Arbitrariness, that our Language is too penu-
lrious to furuih Words ſufficient to expreſs it.
And I would here know on what Law that Of-
fice is founded, which he enſileth himſelf
and oppreſſeth others in the Execution of;
leſſe by what I have either read, or could
be in informed of, it was never heard of un-
til the Reignt of King *Charles the Second*, that
it had its firſt Rife and Original in Mr. *Bartons*
and Mr. *Graham*. And the Season when it
began, as well as the firſt Essays of exercising
it, being in Reference to the *Siamese Plot*
wherein ſo many Protestants were to have
been involved, *An. 1681*, might have ſerved
to have gotten it damned and ſuppreſſed un-
der this Reignt, that was Eſtabliſhed to ſup-
preſs Grievances, If, it had been but for the
Infamy of its Original, and the Sanguinary
Ends it was erected for. But it is too pro-
bable that this is what does recommend it to
ſome People, and keeps them extremlly in
love with it, and preſerves it among the *ar-
tizans*, instead of ſuffering it to ſink
down among the *deperitæ* during this Gover-
nment, at leaſt while your Administration laſt-

eth. And yet it was exectuted by thoſe two
Gentlemen with greater Temper and Mod-
eration, as well as with more regard to Laws,
and all the Rules of good Breeding, than it
has been ſince, or ever will be, by Mr. *Smith*.
For whatoever was complained of then, re-
maineth not only ſtill repeated, but accom-
panied with fresh and formerly unheard of
Injuries, to cauſe us both to renew our Com-
plaints, and to proclaim them louder: And indeed
in hoc uno Mario multi Scille, we have
many *Bartons* and *Grahams* in this one Mr. *Aar-
on Smith*. And whoſoever conſiders how he
thrust himſelf into the Office, by threatening
the *expoffitores* of the Treasury, will not
wonder if the Man be not yet recovered of
the Rage and Madneſſ which had then overt-
aken him: For when Mr. *Hawdden*, and ſome
others who had been made *Commissioners* of
that Board upon the Revolution, demurred
about electing him into the Place, becauſe of
his inſolent Pride, and the Brutalneſſ of his
Humour, as well as by reaſon of ſome other
Qualities with which he is too well furnished,
that ſufficiently diſcouraged them; he men-
aced them, and particularly the Gentleman
that I have mentioned, ratifying his Threat-
ening with an Oath, That in Case he obtained
it not, he would ſtab or Pifol them: being
at the fame time provided with Inſtrument ſ
for doing it. Nor is the Truth of what I
have here related to be queſtioned, there be-
ing ſo many about the Town ready to attēft it
upon the Authority of his own Testimony: who as he glored in telling of it, ſo it has
taught others a very probable Method, in
case moſe fall which favour of more Humanity
and better Education, of gaining the Kindneſſ
and Favoure of ſome cowardly Moiſtiers. But
Sir, what is this of your accepting or reſu-
ing Persons for *Bail* according as Mr. *Aaron
Smith* ſhall be pleased to character them, but
the conſtituting him a Sovereign Judge of the
Reputations, Fortunes and Qualities, of the
generality of the moſt valuable part of Man-
kind: Seeing they are not of the *mob*, but
thoſe of a higher Rank in the World, that ap-
pear in the nature of *Societies* in behalf of
their ſuffering Acquaintance and Friends. So
that Persons diſtinguiſhed from the *vulgar*,
muſt paſſ for Poor or Rich, for thoſe of a Fair
or thoſe of a Sullied Esteem, not according

to what they are really and in themselves, but according to the Representation that Mr. Smith is in the Humour to give of them. This is such an unlimited Jurisdiction and Power, as no Judge in Westminster Hall is vested with an Authority to parallel it. And to allow him this uncontrollable Right which he usurps of determining concerning the Creditors of Men, as well as their Estates, is more than the Cloathing him with an Arbitrary Power over their Lives, and subjecting them to dye by every passionate Puff of his venomous and fiery Breath: Seeing the former are much dearer to all that are framed of a better Mold, than the latter are. Nor is any thing more notorious, because customarily practis'd, than his blasting the Credit of very substantial Persons, thro' refusing them for Bail, when the Sums in which they are to be bound, amount not to above Two or Three hundred Pounds, and thereby (at least so far as falls within his Power) diminishing their Esteem in the Places where they live, and draw their Creditors every where upon them. For which as by Law they have very good Actions against him, so it is hoped that sooner or later they may recover lousy Damages. Yea, when the ill-natured Man cannot except against Persons upon the foot of their Inability, he refuseth to admit them upon Pretence of their being Disloyal; and brandeth whomsoever he beareth a Spleen unto, with the Name of *Ja-cobites*; which besides the Prejudice, that it may do to the Person that offereth to be Surety, and stands excluded upon this Allegation, it may often leave the Prisoner under a Necessity of remaining confined for want of Bail; seeing his Acquaintance and Interest may lye among no other but those whom *Aaron* thus Charactereth. Nor is this an Exception that a *Court* ought to admit; seeing all that the Law prescribeth and requires in such a Case, is, only that the Person be truly responsible to the Government for so much as he is to be bound in, and not what his Opinions is about the Rights and Titles of Prince. And yet how often doth this lofty Man, who alone and single is a whole *Court of Inquisition*, treat Men in reference to the *Polishicks*, with no less Rigour and Unmercifulness in his way, than the great Body of *Inquisitors* at *Rome* and *Madrid* handle those under their Jurisdiction

on the Motive of what they stile *Heresy*. But is it not to expose the Government to the utmost reproach, and that when a Man of Quality and Condition is to appear at the *Secretary's Office*, and I am sorry I have occasion to say it, even at the *King's Bench*, accompanied with Knights, Gentlemen, and Citizens of the best Figure, to stand *Bail* for him, he must antecedently to his Appearance, and to obviate his being remanded to Prison, thro' Mr. Smith's reprobating those insufficient whom he brings along with him for *Sureties*, be obliged to convey their Names to *Aaron*; and to understand his Pleasure whether he will admit them to *paid master*, or not. Surely our Ancestors have not been so careless, nor are our Laws so defective, as to leave Magistrates unprovided of Rules for their Conduct in this part of their Administration? No; For the Law in this Case still is, and the Method heretofore practis'd was, That if the *Court of Judicature*, or *Judge of Peace*, did suspect any of those offered for *Sureties* not to be responsible for so much as they were to become bound, they were in that Case to be upon their Oath how they were really worth so much, all that they were at that time *Debtors* for being paid. Nor doth it look favourably upon those ruled now with the *Guardianship* of our Laws, and the *Administration of Justice*, not to think it prognosticate well to the *Ancient English Constitution*. That so horrid and injurious an *Innovation*, in a Matter of so uncontrollable Moment and Consequence, should be so tamely overlooked and connived at, and all for the gratifying a peevish Man, and forthe advancing him to *Wealth* and *Opulence*, who knows not what it is to be Loyal from Principle, but merely out of Interest; as he was not formerly *Rebellious* upon Motives of Reason, or out of *Zeal* to preserve the *Constitution*, but from *Discontent* with his own Condition, and *Revenge* that he was not *Preferred* and *Employed*. And by this Privilege granted unto him of passing Sentence on the Sufficiency or Insufficiency of all that are to be admitted for *Bail* in behalf of *Prisoners of State*, he raiseth annually such a Tax upon all that have occasion to sue for a *Habellus Corpus*, or are vouchsafed the Favour to recover their *Liberty* upon giving *Sureties* for being forth coming

coming to answer what they are charged with, as is not easily to be imagined or computed. And it is pity that we have not *Commissioners* appointed to enquire after *illegal Executions* of this kind, as we have *Commissioners of Acccounts* for examining how the *Publick Moneys* are issued out : Seeing I am very sure, That were there a Report to be made of the first, as by Virtue of an *Act of Parliament* there ought to be of the latter, the one would be no less surprising than the other, and administer equal occasion of *Melancholy*. For as the least that the *Prisoner* is forced to give upon this occasion, is two *Guineas* : so if he does suspect the *Passableness* of any of those he has been able to procure to be bound for him, he must in that Case advance *fee or amisi* and then be their Condition never to *Mean*, yet *Aaron* can recommend them as *Able* and *Sufficient* *Securites*. For what his Name-like the *Ordinary of Newgate* does in the *Case of Felons* admitted to the Benefit of their *Clingy*, the same will this Gentleman do in relation to those above whom his *Conqueror* lies, and that upon the like Motive and Inducement. Nor is the First *ipso Arbitrarius* in pronouncing that such or such a one, *Legis nō Legis ut Clericus*, than the *Latter* is in legitimating or disclaiming Person for *Bail*, according to the manners he hath been addressed.

There are many other Things that might be offered in Reference to this Matter ; as, that Mr. *Smith's* Office, is a plain *Whisperion* upon that of the *Attorney General*, and that his *Province*, as he manageth his *Employ*, is to be a *Tutor* to the *Secretaries of State*, and a *Superintendant* and *Guide* to *Judicial Courts*. But let them either chuse to bear, or take courage to refuse and emancipate themselves from the *Slavery* : It is enough for me to have laid open the *Injury* done by it to the *Free People of England*, and to have detected the *Illegality* and *Injustice* of such an *Office*, in relation to the *Community* and *Body* of the *Kingdom*; especially as it still is, and hath been all along execrated by Mr. *Aaron Smith*.

So that from this I proceed to another Grievance, which makes the *Traifor* that the *Subject* hath reason extreamly to complain of, in the way that you administer your *Place* ; and that, *your employing and bounding* *such Traitors*, *to decoy, entangle, and ensnare, indiscret, but well-*

meaning People into Crimes, which they would not otherwise have entertained a Thought of. I do acknowledge that *Spies* may be sometimes used by a very wise and temperate Government, tho the Employ be attended with that deserved Ignominy, that a *Man of Honour* would chuse sooner to die than to undertake it : But for *Traitors*, they are Toolsbody for a malicious Government to make use of ; and their employing of them is an infallible Argument, that the Government which uses them, judges it self either *Illegal* and *Unrighteous*, or *Unsteady* and *Weak* ; and that being sensible of the baseness of its *Traitors*, or else not knowing how to subsist by *Innocent*, *Noble* and *Generous* Methods, it applyeth to base *Artifice* and *Tricks* for its support. Accordingly, the first Time they were known and made use of in *England*, was under and during *Oliver's* *Insurrection* : And it is not for the Honour of the *present Government* to borrow from the *Precedents* which that *Usurper* made, Rules for the *Ministers* of this *Reign* to act by. I confess their first *Original* to be as ancient as the *Reign of Tiberius*, but it is little for the Reputation of the *Ministers* of *H. M.* to revive an *Institution*, which the *Historian Tacitus* abhors with so indelible a *Reproach*, in saying, *Diratores genus huminum publico tristis spectum, et panis nunquam satis traxitum, pannum disciditans*; that *Traitors*, and *Informers* which were at all *Times* a *Plague* and *publick Mischiefe* to a *governed Community*, and *whose Punishments* at any *Time* could hardly prevent and restrain, were then *tempted* and *incouraged* by *Salaries* and *Rewards*. And it must be confessed, that you who are the *Ministers* of this *present Reign*, have those *Advantages* for the inflaming and enraging the *People* to *Discontented*, *Seditious* and *Treasonable* *Expressions*, which those who served under former *Reigns* were very much at a loss for, if not wholly *destitute* of. For without having recourse to *Lies*, *Fictions* and *maliciously invented Stories*, whereby to run *People* not only upon *Raileries*, but the most *venomous* and *disloyal Speeches* : You need only give and recount to them the *true* and *impartial* *History* of *Transactions* since the *late Revolution*. So that instead of a *League* with *France* for extirpating the *Protestant Religion*, and the *enslaving* these *Kingdoms* ; of a *Supposititious Prince of Wales*, and *several other Things* of

of the same Complexion, which were the forged Calumnies to undermine King *James* in the Affections of his People, and to dispose them to receive and succour an invading Prince, whose Errand, as appears by the Event, was to drive that Monarch from his Throne: You need only tell them of *Thirty Millions*, as uselessly expended as if it had been thrown away at Decks and Drakes; of above *Four or Five Thousand Ships*, several of them of War, and the rest of Traffick, lost by us and taken by the French; of the trifling away a *Mari-
time Campaign* in the *Mediterranean*, with a vast loss of our Seamen, without gaining either Honour or Profit; of being *busied to little purpose* in *Flanders*, who furnished with an Army of *One Hundred and Thirty Thousand Men*, and neither able to beat the French nor yet to get into the Bowels of France; of the Dutch being countenanced and encouraged to supplant us every where in our Trade; of the total Decay of all our profitable as well as honourable Commerce; and of the Ruine of the greatest of our Substantial *Merchants*: In all which, as there is not one Word of Falshood, so there is not the least Exaggeration. And all this being fresh in your Remembrance, you can neither be unprovided of Topics of Discourse, wherewith to furnish your *Trepanning Emissaries*, nor they of means both of insinuating themselves into the Fellowship and Confidence of weak, credulous and oppressed People, and of haranguing them not only into shame and Remorse for the Change they were accessory to; but into the cursing &咒. at least his Ministers, and willing a speedy Deliverance from those, if not from him. Nor is it improbable, but that some of the Ministers contribute what they can to Miscarriages in the Government, that the Informations of their Witnesses may be the more easily believed, in Reference to the scatidalous, seditious and treasonable Discourses of those whom they would have destroyed. For we cannot forget that of *Tacitus*; *Inevitabile crimen, cum ex moribus Principis, audita queque diligent accusator, obiecta, etque res, nam quia vera trahuntur dicta crederantur*: Men are then deprived of all means of defence, when accused of having spoke those Things of which a Government is guilty; seeing that their being true makes it the more evident that they were said. But by those Methods which your

Trepanns pursue, and you authorise, you may come to kindle a Fire, that neither they nor you can quench; and raise such a Devil in the Nation, as all the Power of Whitehall will not be able to lay again. Sir, let me tell you, That the sending Trepanning Villains thro the Kingdoms, fraught with such Heads of Discourse, thereby to ensnare poor People, who tho they be not fully satisfied in your Conduct, yet are willing to live quietly, is not very prudently done in reference to the Government, and carrieth a great deal of Malice in it towards those whom you seek to entangle. Which brings to my remembrance another Passage of *Tacitus*, who complaining of the Reign of *Tiberius* says, *multa stado priciliatianis gliscabat, cum omnis domus dilatorum interpretacionibus subverteretur*; That therefore such a multitude was brought into danger, because of *Malay at the Mercy*, and *Bood obnoxious to the slanderous Reports and Informations of Trepan*. Doth it favour of any deep Policy (for of Virtue, Religion and Honour, it doth not) to lead your *Kingston* now into one County, and then into another; and sometimes in the Habit of a *Parson*, and assuming his character at another time in a *lay Garb*, and performing in one place a *Physician*, and in another a *discarded Jacobite Officer*, and all to try whether he can decoy any into a compunctional Hearing of a *Conspiracy* against the Government, and *in trepon* to speak unmercifully of it, and with facies mortis, that you may thereby support the sinking Reputation of your Plot. But you have bubbled the Nation so long with Falshood, that you have very near attained the Reward and Recompence of *Lyars*, which is not to be believed should you speak Truth. Not is the licensing your Emissaries to declaim against the Government, the only Method you can fine yourselves unto, in order to trepan and inveigle Men to own and acknowledge something that may involve either themselves, or others, in a Plot: But there are divers other Artifices which you use, as reckoning yourselves of the number of those from wh. who are privileged *mentiri Republicam suam*. For sometimes you tell those whom you consult, that the Persons whom you would have them revile have themselves owned what you used to have imputed against them. Thus you can

Admitted to deadly and treasonable whom
you had under Examination before you, at the
Col. Powder having been in France in 1791, a
time at which both have brought him within
the compass of the States that makes it Death
to come out of France without leave, and have
given Umbrage to his having been engaged
with the French Chevaliers for attacking
King William, and to oblige them to trap and
depose it, you had the Confidence to tell them
that Col. Parker had himself acknowledged it,
which provoked one of them to reply, (who
then before you under the Hardship of a
Charge of High Treason) that if the Colonel
had said so, he had slandered and belied him-
self, seeing to his knowledge he was not then
in France. At other Times the Comte was
one with those whom you attack, is suddenly
mooted upon their belief, that you are fully
informed of the Plot, in all the Parts and Di-
mensions of it, but that out of your Justice
and Compassion to them, you have a great
desire to preserve them from the Punishment
that is ready to overtake them, and that
you may be capable of doing them that Ser-
vice, your Service is that they would confess
now in general, that there is a Conspiracy
existing against the Peace of Government,
and that you will have that Testimony for
your Separation, as not to expose them to
publick and open Punishment, and much less
seize upon them in irremediables, that
they should be witnesses against any
man. This, Sir, is the way, wherein some
have been, and still are, very impudent, in
imposing a certain Scandalous that is now in
the publick. For you know that as the con-
tinuing Credit to a Plot in general, would in
great measure enable you to fasten it upon
particular Persons afterwards, so you suppos-
ed the most Danger from, and set the
present Master up to. So it would serve him
to involve a great many in the Nation, and in
less time, till you found where the sub-
sidy in the Kingdom out of Five or Six Millions
in the hands of Parliament.

DO YOU NEED TO LEARN ENGLISH
TO GET A JOB OR TO TRAVEL AROUND THE WORLD?
IF SO, THIS IS THE PLACE FOR YOU.
LEARN ENGLISH WITH US AND YOU WILL
BE A BETTER PERSON.

Swear such and such out of their Lives. And it is to his Art and Industry, if we may believe himself, that the Government is indebted for most of the Scotch Witnesses. For your *Bruces* and *Seagots* are said to be of his Mustering, and so are your *Martins* and *Somervilles*; the last of which decoyed Mr. *Chambers* into his Company, and then betrayed him. And having mentioned Mr. *Chambers*, it were worth the knowing upon what Mystery of State he should be refused the small Allowance of Four Pence a day, which the other Prisoners in the *Marshalsea* with him have afforded them. But to return to Mr. *Alexander Johnstone*, who liveth under this Prejudice, that all whom he enrolls for this Service will be thought allied to him, in one Quality, which all that know him, affirm his being endowed with in so great a Measure, that no Man believes a Word he says. For as his Character among all his Acquaintance is that of False and Lying Sandy; so it passes for the Badge of a weak Man to give Credit to any thing that Mr. *Alexander Johnstone* declarereth, tho he swear to it. But albeit the Court hath been a Sanctuary to him, all along since the Revolution, to cover him from his Creditors, and *Whitehall* hath been to him in the quality of a *White-friars*; yet it is hoped that no Place will long shelter him from the Punishments due to him as a *Suborner*. Not is this Trade of his of Suborning Witnesses to so swear to Falsehoods, and to depose Perjuriously, an Employment with him of a late date, seeing he set up the Practice of it many Years ago. So that whosoever will but take the Pains to go to *Dockers Commons*, will find a large Catalogue registered there of those he had Bribered to Swear to his Marriage with one *Mr. Parries* Daughter, and to many Familiaries with her, which I shall not mention, of which that Court after great Enquiry, and a Suit long depending, did not believe one word to be true. Yet, the Subornations wherewithal he had been in that Case guilty, were so numerous, notorious, and gross, that they not only determined it against him, but have then and ever since whenever he is named in presence of any who belong to that Society, they brand him with the Character of the boldest and most impudent Suborner that ever commenced or pursued a Suit.

in that Place. And the Perjuries he had been accessary unto, were so many and apparent, and the Defamations he had uttered upon the young Gentleman so scandalous and gross, that had he not withdrawn first for *Scotland*, and then to *Ireland*, he had been prosecuted in the Courts at *Westminster*, and brought to undergo an ignominious and corporal Punishment. It is unwillingly, and with regret, that I do either call these Things to remembrance, or publish them to the World; but when the Man is not satisfied in the Enjoyment of a Credit which he doth not deserve, but will upon a Reputation that is only charitably conceived at, set up to destroy innocent Persons upon the Testimony of bribed and perjured Witnesses; it is then indispensably necessary upon such as know those Things, to strip him of his *Maske and Disguise*, and to present him to the World in his natural Image, and expose him to view in the best Light they can. Especially when he is grown up to that Impudence, upon a Presumption of Merit by the many Services of this kind which he hath done the *Government*; as to tell Sir *George Maxwell* that he was to die a *Traytor*, and that his Estate was offered to him; which, by the way, is a much better Estate than ever was forfeited from him, and the rest of his Family by his *Father's* ~~succession~~. And that, it may appear with what Impudence, Temerity and Malice, Mr. *Secretary Johnstone* hath engaged himself, if not in the Forgery, yet at least in the Support of this Sham Plot upon the Credit (as I am willing to believe) of his Brother, I shall lay before the Kingdom one Instance of it among many, and that a very late one; namely, That the said *Mr. Secretary* being informed, or at least pretending to be so, by that Suborned and Mercenary Fellow *Seaton*, how one *Lieutenant Drummond*, who serves King *William* in one of the Regiments in *Flanders*, could be an Evidence against *Colonel Fountain*, he not only wrote to have the said *Drummond* sent immediately over from thence hither; which King *William* (whom you Ministers have drawn into the Belief of a Conspiracy against him) accordingly did, and that under a Commission making so much haste to be ready. The Gentleman had not so much time to provide as to fetch his Linnen and Cloathes, and

Place where they lay : But upon his arrival the said Secretary would have at first wheedled, and at last endeavoured to buff him to appear as an Evidence against the forementioned Colonel Fountaine. And tho' Diamond averred to him upon the Word of a Gentleman, that he was so far from understanding any thing whereof the *Colonel* was accused, that he did not so much as know him, nor was ever in his Company, to the best of his remembrance ; yet the forenamed Secretary continued not only to rail against Colonel Fountaine as a halibut Traytor that must dye, but with to insinuate and affirm, that Diamond must know a great deal against him. Which so provoked the Gentleman upon the finding himself tempted and importuned to murmur an innocent Man, by a late and perjurious Deposition ; that he told the said Secretary, That as he neither could nor would be an Evidence in that Matter, so the Secretary needed not be so earnest to suborn and de-bouch him, seeing he might easily furnish himself with enough of such Witnesses about the Town as he looked after for both a *Caecilius* & *Max.* Which as it dictates how large and deep this Conspiracy is, of those that serve the Government, against the Lives of guiltless Persons, to it both bhewes the hazard that Colonel Fountaine is in, upon no other foot (ave out of other Mischiefe) and unfeigned unto us the Methods taken and pursued to draw in and master Witnesses. Nor is it improbable but that Diamond upon declining to forswear himself, to destroy both an innocent Person, and one whom he doth no ways know, may not only have his Commission taken from him, but be refused the Payment of his Arrears ; whereas had he complied to do what was required of him, he might have reckoned upon the being speedily preferred to a very considerable Command, and that upon the score of the highest Merit that is now in fashion. But can there need more to supplant the Beliefe, and eternally to blast the Credit of the nefest pretended Plot, than that Harry Baker and Alexander Johnson are the Procurers and Leaders of Witnesses for the support of it. They have been the rather obliged to give the word of this Gentleman, because that as Secretary Trenchard declares he knows very little of this Plot, than what Mr. Secre-

tary Johnson conveyed unto him, either immediately by himself, or by such Witnesses as he sent him, so it is not improbable but that Mr. Secretary Johnson had the Intelligence of it from his Brother Alexander, and those whom he handed to him, having first suborned them. So that this whole Conspiracy, for which so many have been taken into Custody, and more have been looked after, seems to have been first minted by Harry Baker, Alexander Johnson and Hockspurk, and afterwards made current thro' the Kingdom, by the Credit which the two Secretaries Johnson and Trenchard have stamp'd upon it. For that Noble and very Honourable Person, who filcheth the Place and bourneth the Title of English Secretary, in Conjunction with Trenchard, is a perfect Stranger to this whole Plot ; farther than as they have involved him in the ignominious Drudgery of pursuing it, by impertinently as well as craftily playing their Witnesses upon him. And considering his great Sense and Honour, he cannot but resent the great Affront and Indignity done him by Mr. Secretary Trenchard, in turning all the Witnesses upon him to clamour Men out of their Lives, and him to withdraw into the Country to observe, at a distance, how the Mist ~~should~~ ^{should be} which he and some others have had so long in digging and working at in *Paris* & *elsewhere*. Or if it should reverberate on those that gave Fire unto and stand near in, he might be out of the reach of the Disaster, and have the pleasure of seeing the Honourable Person whom he left here covered with the Dust, and Dust which it raiseth, if not buried unto the Ruines of it. However this Trade of Suborning Witnesses is become so common, (which it could not be were their not too much countenance given unto it by those in Authority) that every pitiful Fellow that hath a Mind to ingratiate himself into Court favour, and to obtain a Pension, does Openly & with Boldness venture upon it, for ieh. not long since that two *Esqrs.* took the confidence to accost a Third, and to temble him to name no as an Evidence against Mr. *Malplaquet* and another Gentleman, and depositing having heard them speak most honorable Words against their Queen, and about the Murder of her. Tho' the Person thus accused (as he confessed to a Friend whom he consulted about the Matter) never knew

Mr. *Widby* nor *the other Gentleman*, and much less heard them speak the Words, or any like unto them, which the two *Suborners* would have had him to have sworn against them. Nor is it to be questioned, but that those two *Rascals*, who endeavoured so to inveigle their Companion to be a false *Witness*, will appear as *Evidences* both against the two *Gentlemen* I have mentioned, and against all such as they shall be hounded at. But the *Scorers* may take up and imprison Men, upon such *Testimony*, yet I cannot apprehend (albeit I have a very slender Opinion of the *Sense*, *Virtue* and *Fortitude* of many that are admitted upon *Pannels*) that any *Jury* will give the least *Faith* or *Credit* to what such *Villains* shall have the Impudence to swear. Yet this Practice of *Subornation* is grown so much into *Fashion*, and receiveth such *Encouragement*, that even those who are upon the *Lists*, and have the *Salary* of *Standing Witnesses* for the *Government*, are not contented with the single *Province* of being *Whitshall-Evidences*, and to *perjure* themselves, but they interlope likewise upon *Alexander Johnstan* and *Harry Baker*, and turn *Suborners* of others to come in and *forswear* themselves; whereof we have a remarkable Instance in *Lunt*, the much celebrated *Witness* concerning the present *Plot*, in his endeavouring to suborn those *Gentlemen*, whom *Taffe* had introduced into his *Company*. For tho' Mr. *Bagshaw*, of whom I made lately mention, declined meeting with *Lunt*, from an Apprehension of the dangerous Consequences that might attend the having been in the *Company* of a Person of his *Character*, yet Mr. *Bancky* and Mr. *Bersford* ventured to meet both *Lunt* and *Taffe*, at the *Ship Ale-House*, in *Butcher-Row*, by *Temple-Bar*, on *Fryday* the 28th of *September* last, about *Three* of the *Clock* in the *Afternoon*. At which Time and Place, *Lunt* upon the encouragement of *Taffe*, taking those two *Gentlemen* to be Persons very proper for his *Purpose*, told them without much *Ceremony* or *Compliment*, that he wanted some *Gentlemen* of *Reputation* to support his *Design*, and that if they would be serviceable unto him, they should be plentifully provided for, seeing that for want of *Men* of *Credit*, he was forced to maintain some *Scandalous* *Fellows* to keep his *Plot* on *Foot*: After which having produced a *Paper* he called a

Narrative of his *Plot*, and caused with *Hand* to write them, *Lunt* began to be very frank, and to declare how zealous he was to perfide the *Plot*, relating withall how dextrous he had hitherto been in the managing of it. Adding that as Mr. *Lee* of *Lime* had a vast *Estate*, his *Business* must be done; and that he designed those two *Gentlemen* Mr. *Bancky* and Mr. *Bersford* to do a particular *Service* in that matter. In brief, he attempted to suborn them to be *Witnesses* in Relation to *Commissions* granted by the late King *James*, for raising Troops to subvert the present *Government*: Telling them that the *Commissions* must be written very plain and legible, and that he would take care to have them signed with King *James's* Hand, as he usually wrote it. All this is depoted upon *Oath* by the two *forementioned Gentlemen*, and was not only shewed and imprest to my *Lord Chief Justice Holt*, but was likewise offered to be sworn before him. And if it be me, that any of the *Judges* (as is commonly said of some of them, and fully known of my *Lord Keeper*) have both perused the *Designation* against the *Gentlemen* that are to be *tryed*, and discoursed with the *Witnesses*, which I am sure by *Law* they ought not to have done, or have as well avoided all *Cognizance* of the *matter*, till it appear before them in *Court*, in all talking with the *Witnesses* till they be produced at the *Bar*: I will say that they might with as much *Honour* and *Justice*, yet that they should in *Duty* have been as ready *accidently* to hear what can be said and sworn in *Favour* and *Behalf* of the *accused*, and for invalidating the *Testimonies* of the *Villains* that come in *Witnesses* against them. However, this that I have recouered being infallibly true, it shews both how pretended *Confidants* from King *James* come to be charged upon several *Gentlemen* now in *Custody*: And that there is no *Man* in *England* can lay his *Hand* on this Practice be *not* speedily suppressed, and all those who are either directly guilty of it, or have the least *appetition* thereto, to be *and punished* with the *utmost* *Rigor*: That according to *Law* can be inflicted upon them. Nor are these the only *Persons* whom *Lunt* has been endeavouring to suborn, but of *one* *like* *attempt* upon one who was of the *number* of those *Persons* carried to *Chancery-cause*, and importuned him under *promise* of great re-

wards, to swear that he had received Money of Mr. *Walmesley* for the carrying on and promoting the Service of King *James*; and upon that Persons answering that he had never seen Mr. *Walmesley*, the Milkcreant had nevertheless the Impudence to tempt and entice him to own what was delivered to him the said *Lunt*, and another, and that then they Two would swear to it, and excuse the Person whom they accosted from being an Evidence. Which the poor Man likewise refusing, *Lunt* thereupon grew enraged, and threatened him both with abridging the mean Commons that were allowed him in Prison, and with the greatest Severities that could be inflicted in a *Goal*. And as if the execution of all this to the full at *Cheseter* had not been Injustice and Barbarity enough, they have haled the poor Man hither to *Town*, and thrown him with Two other Persons more into *Messengers* hands, to be there wrought over and trained up for Evidences; which that they may the more easily and better Effect, the *Messenger* not only refuseth to admit any to come to them, but disowneth the having them in Custody. Which serveth farther to instruct us of the Mischiefs that attend the Confinement of Prisoners to other Places than Legal *Goals*. And it would seem that there are Privileges belonging to the Ministers of this Government, that were never allowed to those of the former; namely, That as they may without being made accountable pres^s Men for Soldiers, when they will not of their own accord list themselves; so they may torture Men into the becoming Witnesses, when they can neither wheedle nor bribe them to it. For I do account such a Confinement as I have recounted, and the Starving them thro not allowing them a Sixth part of what their Appetites crave, to be a torturing of them. Nor do the *Scotch Boots*, which are the Disgrace of that Nation and the Scorn of this, affect Men in so sensible Parts as the pinching them for Weeks and Months in their Bellies doth. Which will make me always dread the hearing some People threaten to touch their Enemies in the most sensible part; and the rather, when I find it executed upon such as they call so at home, instead of falling upon those that are so abroad. And we may easily imagine how admirably qualified some of your

Messengers are for to rack and torture poor Men when they have taken them in Custody, by the hostile and violent Methods which they practice, and seem to be licensed to use, in their apprehending them. Of which I crave leave to refresh your Memory with one remarkable Example, whereof not having had seasonable Intelligence, I could not insert it in its proper Place, as otherwise I should; namely, How that *Kijson* breaking into a House in *Scoops Court* near *S. Andrew's Church*, where some quiet People were peaceably assembled to worship God, on the 30th of September last, and having seized several without either producing or having any Warrant, and demanding the Key of Mr. *Graſcom's* Cloſet to rifle for Papers, which the said Mr. *Graſcom* refusing to deliver, unless he might see his Warrant, and know by what Authority he stood empowered so to act; the fore-mentioned *Kijson*, pointing to his Badge as his sole and ſufficient Warrant, pulled a *Piſtol* out of his Pocker, and swore by God that he would ſhoot Mr. *Graſcom* (who is a Learned and Holy Minister) thro the Head, unless he immediately ſurrendred the Key of his Study. Hear O Heavens! and be affronted O Earth! That *England*, under Pretence of having its Rights and Liberties rescued and vindicated, ſhould be reduced into this worse than *Turkis* Bondage and Slavery. And that under *One* whom a deluded Nation entertained as a *Mosſe* to redeem them out of a meer ſancied *Egypt*, they ſhould be translated out of a *Canaan*, where only too much Safety, Ease and Plenty, made them complain, and brought into an unpreſided and intolerable Thralldom. As if thoſe Things were again to be re-acted which made *Tacitus* ſay, *Quantoq[ue] maiore libertatis imagine tegebantur, tanto eruptura ad intensius servitium*; That the great Pretence of the ſerving us to *Liberty*, was only that with the more Facility we might be made the greater Slaves. But it is worth enquiring, Whether Self-Defence, in all the ways God and Nature have enabled us, be not in ſuch a Case, as that of Mr. *Graſcom's*, both lawful and necessary? And whether I ought not in Duty to God and my Country, as well as I may by the Law of the Land, ſlab ſuch a Fellow as *Kijson* who thus hauſtily affaults me? And for the being resolved about it, I do recommend all true *Englishmen* to the

Mr. Tiddie nor other Gentleman, and much less heard them speak the Word, or any like unto them, which the two Suborners would have had him to have sworn against them. Nor is it to be questioned, but that those two Rascals, who endeavoured so to inveigle their Companion to be a false Witness, will appear as Evidences both against the two Gentlemen I have mentioned, and against all such as they shall be hounded at. But the Secretaries may take up and imprison Men, upon such Testimony, yet I cannot apprehend (albeit I have a very slender Opinion of the Sense, Virtue and Fortitude of many that are admitted upon Panels) that any Jury will give the least Faith or Credit to what such Villains shall have the Impudence to swear. Yea this Practice of Subornation is grown so much into Fashion, and receiveth such Encouragement, that even those who are upon the List, and have the Salary of standing Witnesses for the Government, are not contented with the single Province of being *Whitewash* Evidences, and to perjure themselves, but they interlope likewise upon *Alexander Jahanian* and *Harry Baker*, and turn Suborners of others to come in and forswear themselves; whereof we have a remarkable Instance in *Lunt*, the much celebrated Witness concerning the present Plot, in his endeavouring to suborn those Gentlemen, whom *Taffe* had introduced into his Company, For tho' Mr. *Bagshaw*, of whom I made lately mention, declined meeting with *Lunt*, from an Apprehension of the dangerous Consequences that might attend the having been in the Company of a Person of his Character, yet Mr. *Banchy* and Mr. *Beresford* ventured to meet both *Lunt* and *Taffe*, at the Ship Ale-House, in Butcher-Row, by *Temple-Bar*, on Friday the 28th of September last, about Three of the Clock in the Afternoon: At which Time and Place, *Lunt* upon the encouragement of *Taffe*, taking those two Gentlemen to be Persons very proper for his Purpose, told them without much Ceremony or Compliment, that he wanted some Gentlemen of Reputation to support his Design, and that if they would be serviceable unto him, they should be plentifully provided for, seeing that for want of Men of Credit, he was foyred to maintain some scandalous Fellows to keep his Plot on Foot: After which having produced a Paper, he called a

Narrative of his Plot, and caused *Taffe* to read it unto them. *Lunt* began to be very frank, and to declare how zealous he was to perfet the Plot, relating withall how dextrous he had hitherto been in the managing of it. Adding that as Mr. *Lee* of *Lime* had a vast Estate, so his Business must be done; and that he designed those two Gentlemen Mr. *Banchy* and Mr. *Beresford* to do a particular Service in that matter. In brief, he attempted to suborn them to be Witnesses in Relation to *Commissioners*, created by the late King *James*, for raising Troops to subvert the present Government: Telling them that the *Commissioners* must be written very plain and legible, and that he would take care to have them signed with King *James*' Hand, as he usually wrote it. All this is deposed upon Oath by the two aforesaid Gentlemen, and was not only shewed and imparred to my Lord Chief Justice *Holt*, but was likewise offered to be sworn before him. And if it be true, that any of the Judges (as is commonly said of some of them, and fully known of my Lord *Rutur*) have both perused the *Decimation* against the Gentlemen that are to be tried, and disengaged with the Witnesses, which Law by Law they ought not to have done, we have as well avoided all Cognizance of the matter, till it appear before them in Court, all talking with the Witnesses till they be produced at the Bar: I will say that they might with as much Honour and Justice, yet that they should in Duty have been as ready accidentally to hear what can be said and sworn in Favour and Behalf of the accused, and for invalidating the Testimonies of the Villains that come in Witnesses against them. However, this that I have recorured being infallibly true, it sheweth both how pretended *Commissioners* from King *James* come to be charged upon several Gentlemen now in Custody: And that there is no Man in England can lay his hand on this Practice, be not speedily suppressed, and all those who are either directly guilty of it, or have the least affection thereto, be not punished with the utmost Rigour that according to Law can be inflicted upon them. Nor are these the only Persons whom *Lunt* hath been endeavouring to suborn, but he hath also like attempt upon one who was of the number of those Persons carried to *Chancery-Lane*, and importuned him under promise of great re-

wards, to swear that he had received Money of Mr. *Walmsley* for the carrying on and promoting the Service of King *James*; and upon that Persons answering that he had never seen Mr. *Walmsley*, the Misercreant had nevertheless the Impudence to tempt and entice him to own what was delivered to him the said *Lunt*, and another, and that then they Two would swear to it, and excuse the Person whom they accosted from being an Evidence. Which the poor Man likewise refusing, *Lunt* thereupon grew enraged, and threatened him both with abridging the mean Commons that were allowed him in Prison, and with the greatest Severities that could be inflicted in a *Goal*. And as if the execution of all this to the full at *Chester* had not been Injustice and Barbarity enough, they have haled the poor Man hither to Town, and thrown him with Two other Persons more into *Messengers* hands, to be there wrought over and traillned up for Evidences; which that they may the more easily and better Effect, the Messenger not only refuseth to admit any to come to them, but disowneth the having them in Custody. Which serveth farther to instruct us of the Mischiefes that attend the Confinement of Prisoners to other Places than Legal *Goals*. And it would seem that there are Privileges belonging to the Ministers of this Government, that were never allowed to those of the former; namely, That as they may without being made accountable presis Men for Soldiers, when they will not of their own accord list themselves; so they may torture Men into the becoming Witnesses, when they can neither wheedle nor bribe them to it. For I do account such a Confinement as I have recounted, and the Starving them thro not allowing them a Sixth part of what their Appetites crave, to be a torturing of them. Nor do the *Scotch* *Boots*, which are the Disgrace of that Nation and the Scorn of this, affect Men in so sensible Parts as the pinching them for Weeks and Months in their Bellies doth. Which will make me always dread the hearing some People threaten to touch their Enemis in the most sensible part; and the rather, when I find it executed upon such as they call so at home, instead of falling upon those that are so abroad. And we may easily imagine how admirably qualified some of your

Messengers are for to rack and torture poor Men when they have taken them in Custody, by the hostile and violent Methods which they practice, and seem to be licensed to use, in their apprehending them. Of which I crave leave to refresh your Memory with one remarkable Example, whereof not having had seasonable Intelligence, I could not insert it in its proper Place, as otherwise I should; namely, How that *Kitson* breaking into a House in *Scoops Court* near *S. Andrew's Church*, where some quiet People were peaceably assembled to worship God, on the 30th of September last, and having seized several without either producing or having any Warrant, and demanding the Key of Mr. *Grascom's* Closet to rifle for Papers, which the said Mr. *Grascom* refusing to deliver, unless he might see his Warrant, and know by what Authority he stood empowered so to act; the fore-mentioned *Kitson*, pointing to his Badge as his sole and sufficient Warrant, pulled a *Pistol* out of his Pocker, and swore by God that he would shoot Mr. *Grascom* (who is a Learned and Holy Minister) thro the Head, unless he immediately surrendered the Key of his Study. Hear O Heavens! and be astonished O Earth! That *England*, under Pretence of having its Rights and Liberties rescued and vindicated, should be reduced into this worse than *Turkish* Bondage and Slavery. And that under One whom a deluded Nation entertained as a *Mosis* to redeem them out of a meer fancied *Egypt*, they should be translated out of a *Canaan*, where only too much Safety, Ease and Plenty, made them complain, and brought into an unpresidened and intolerable Thraldom. As if those Things were again to be re-acted which made *Tacitus* say, *Quantoque maiore libertatis imagine tigebantur, tanto eruptura ad intensius servitium*; That the great Pretence of the restoring us to Liberty, was only that with the more Facility we might be made the greater Slaves. But it is worth enquiring, Whether Self-Defence, in all the ways God and Nature have enabled us, be not in such a Case, as that of Mr. *Grascom's*, both lawful and necessary? And whether I ought not in Duty to God and my Country, as well as I may by the Law of the Land, slab such a Fellow as *Kitson* who thus hastily assaults me? And for the being resolved about it, I do recommend all true *Englishmen* to three very

very Eminent Divines, and as singular Casuists. Namely, to the Author of the *Measures of Obedience* that liveth at *Salisbury*, who hath told us that when the Laws of a Constitution are publickly violated, how we may have recourse to the Laws of Nature, which put us upon a common Level with those that were antecedently our Rulers, and give us Liberty to oppose them, and defend our selves and our Government by Laws established: To the celebrated Inventor of that needful Distinction of *Swearing to this Government to hinder the growth of Popery, and of not Swearing to it to prevent a Deluge of Atheism*, who resideth at *Litchfield*: And to that great Man who dwelleth on the other Side of the River, whose Divinity in 88 stood in direct Contradiction to his Theology in 83; as appears by comparing his admirable *Letter to the late Lord Russel* with his many *Loyal and Edifying Sermons* since the Revolution.

Not shall I at present insist further upon your Suborners, being resolved to keep something in reserve undiscovered till this Matter come to lie before a Parliament; and shall therefore proceed to the charactering some other of your Witnesses that have not been hitherto staled and detected in any Paper already in Print. And had your self, and the rest of the Cabal at *Powis-Houle*, been so prudent as to grow temperate in your Conduct upon the Advertisements published in the Letter addressed to the Right Honourable *my Lord Chief Justice Holt*, you had prevented my falling under a Necessity of exposing those that you seem to have an Esteem for; and thereby of bringing both your Judgment, Integrity and Honour into question. And the First whom I shall unvail and detect, and afford the Nation the Diversion of viewing, in another Light than the Grand Jury at *Hick's-Hall*, had the Advantage of discovering him, when he swore to a Bill of High Treason against *Capt. Williamson*, is one *Bereton or Brewerton*: The History of whose Life, when I have only given a few Years Abstract of, will fill all Men with wonder, that he has the Confidence to walk the Town, and much more increafe their Aftonishment to find the Person loaded with his reproachful Crimes, to have the daring Impudence to appear as a Witness in a Court of Judicature. For not to speak of his *Bilking*

most, if not all, the Persons in whose Houses he had the Favour to lodge, and running away by stealth without giving them Notice, or paying what he had contracted for: Seeing, whosoever hath a desire to be satisfied in this, need only go and enquire at *Mr. Toops* next Door to the Sun Tavern in the *Strand*; at *Mr. Terry's* a Taylor in *Holtford's Alley* in *wild-street*; or at *Mr. Salisbury's* a Hosiery near *Kingsgate* in *Holbourn*: From all whose Houses he went away elandestinely, without paying a Farthing of what he was indebted unto them for the Rent of his Chamber. I shall insist a little more particularly on his being guilty of a Crime of a higher Nature, and for which as the Law makes him obnoxious to Corporal Punishment, so no Man, even not *Mr. Aaran Smith*, can have the Face, after I have represented it, to judge him fit to be allowed for a Legal and Credible Witness. In brief then, this Captain *Bereton or Brewerton*, being entertained as a Lodger at one *Mrs. Cotton's*, that liveth in *New-Court* near *Holbourn-Bars*, he not only inveigled a Servant Maid into such wicked and unclean Commerce, that the Mistress detecting it turned them both out of Doors; but he was Accessary in a little time after to the robbing of the laid *Mrs. Cotton* of Fifty *Guineas*, a *Gold Watch*, and of several other Goods; or rather of perpetrating the Fact himself, which is the more probable: For Search being made after the fore-mentioned Goods, upon the lols of them, they were found in this *Brents* or *Brewerton's* Chamber- yea in his Pocket, at the Sign of the *Three Herring* in *Red-Crois-street*. And the Fellow being sensible of his Guilt, and knowing the Punishment he was liable unto, for so reproachful as well as heinous a Crime, he fell upon his Knees and begged of the Gentlewoman that she would not prosecute him, seeing his Reputation would be thereby ruined; that is, as I suppose, he would be incapacitated to be a Witness, which it is very probable he had then in prospect, as the last Shift and Trade to subsift by. It were superfluous after this to tell you, how that upon cl ndestinely abandoning his Lodging once in *France*, he left a *Trunk* behind him filled with Stones, hoping thereby to have imposed upon his Landlord, as if he had not only left behind him above the Value of what he owed, but that he intended to come again.

again. But the French-man breaking open the Trunk sooner than *Brereton* conceived he would, and finding what Treasure it was furnished with, immediately pursued, took, and carried him back; and besides the treating him with the Severity he deserved, he forced him to borrow Money, and to pay his Debts, before he let him go. Nor need I assure you that he went under such an infamous Character at St. Germain's, that when after his departure from thence, he was seized and stopt at *Lille*, till some Account could be had of him from King James's Ministers; who thereupon gave such a Representation of him to those who had stopt and detained him, that he was upon the Receipt of it thrust out of *Lille*, with the Drum beating after him, as a Mark of Disgrace. Yet this is the credible Person upon whose Testimony principally a Bill of High Treason was found at *Hick's Hall* the last Sessions against Capt. *Williamson*, and upon whose Deposition he is to be tryed at the Old Bailey the next Session. For the Question properly is not whether Capt. *Williamson* was in *France*, but whether it Legally appears that he was there within the time expressed, and limited by the A&T? And whether this *Brereton* have the Qualifications required by the Law to render him capable and fit to testify it? For according both to Law, and all other Sciences, *De non apparentibus & non existentibus eadem est ratio*, Things that appear not are to be accounted of as if they were not at all. And suffer me to add upon this Occasion, That I can never believe that the Design of the Parliament was to make it Capital to go for *France*, when the Errand thither might be both Lawful and Necessary. For that were to suppose the Members of both Houses (or at least the Majority) to be in a Combination to sacrifice the People, and Interest of *England*, to our Forein and Confederate Neighbours: Seeing nothing is more certain than that the Subjects both of the *Seven Provinces*, and of the *Spanish Netherlands*, have a daily Entercourse with *France*, by going and returning; and that not only by Connivance, but by the Authority of publick Passes whenvsoever they are demanded. And for those that Design to go from hence thither upon any Treasonable Account, it were easy to effect it, without the Governments being

able to make it punishable, tho they should come to know of their having been there. For it is only to acquaint some of the French Privateers before hand, that you are to embark on such a Vessel for *Rotterdam*, or *Ostend*, and to desire them to intercept the Ship. But this carrying with it an Injustice to others, which few of those stiled *Jacobites* are capable of being guilty of, there is a Gentleman as well as more Innocent way of going thither, and that is by your own *Pass*. And you may be sure more have gon thither by the *Secretary's Pass*, than ever went clandestinely. For as you will not deny a *Pass* to the *Hague*, upon having so much Money for it; so it is easy to obtain one from thence to *Brussels*, and from *Brussels* to *Lille*, at less charge than I can purchase one at *Whitball* for going from *London* to *Edenbrugh*.

But to return to the giving an Account of some more of your Witnesses, and of what Reputation they ought to be esteemed by a Court of Judicature, and a Jury. In the pursuit of this I shall therefore, in the next Place, give the World a Representation of Mr. *Slingsby*, whom the Ministers have brought out of *Ireland* to be a Witness against Mr. *Crosby*, and do extreamly value themselves upon the having one called a Gentleman, and of some Fortune in the World, to appear in the Figure of an Evidence: But by that time I have presented him by another handle than that of Birth, and Estate, by which the Ministers lead him forth, and shew him; I am much mistaken if they be not ashamed of sending for him upon such an Account, and if he does not wish he had stayed where he was, and not come hither upon so ignominious an Employ. And it extreamly detracts from the Credibility of whatsoeuer he deposeth, that he comes over Hired and Bribed to do it. For his telling Mr. *Williamby*, that one of the Lords Justices of *Ireland* had promised he should be provided for all his Life, in case he would be a Witness against Mr. *Crosby*, amounteth to no less, both in Law and common Sence, than that he is scandalously hired to be an Evidence. Nor is this an unsuitable Employ to a Person who hath in many Instances discovered himself a common Cheat. Yea, so natural is a Couzenage unto him, that he could not forbear practicing it even upon

upon those in whose Power he knew it was to crush him. Witness his defrauding my Lord Renelaugh of Sixty Pounds, for which that Lord treated him to his Face, in the Hearing of divers Persons of Condition, with no better Titles than those of Rogue and Rascal. And it is notoriously known, that about the time of King James's withdrawing, he cheated the Regiment (to which he flood then in the Relation of Agent) of several Hundred Pounds, as is ready to be attested by several Officers, as well as private Centinels, that suffered by his Knavery. But that which brands him with indelible Infamy, and ought to incapacitate him from being esteemed a Credible and Legal Witness, is, his having fastned upon a Gentleman a Sham Bill of Fifty Pounds, and of which he received Fifteen before the Cheat was detected. But the Couzenage, and Falsification, being discovered, ere he had received the rest, he was arrested and thrown into the Counter; from whence he got out upon Sham Bail, and so having escaped the Punishment of one Crime, by perpetrating another, he fled into Ireland, whether it was not worth the while, nor at that time easy to pursue him. Neither can any thing be so Infamous, which this Man will not commit; seeing in Contempt both of the Laws of Nature and Revelation, and in Violation of the Duty and Affection of a Brother, he hath thrown his Eldest Brother into Prison in order to defraud him of an Estate. To which I crave leave to add, That having been bred a Protestant, and continued so till of late years, he then turned Papist; tho as he declared to several at that time, and hath often repeated it since, that he did it not upon any Conviction of Mind, but merely to comply with the Desires, and to gratify the Importance of his Relations: Which speaks him to be a worse Man, than if he were an avowed and down-right Atheist. Because while the one denies that there is a God, he doth in effect renounce him, at the same time that he pretended to believe there is one. For whosoever departs from a Religion that he Judges to be true, to embrace one of the Truth whereof he hath no Conviction upon his Mind, doth no less than both despise, and implicitly disclaim that God whom he owneth and pretendeth to worship. Nor

is such a Man's Oath to be more valued, or what he declares upon it to be more credited, than one would rely upon the Oath of a professed Atheist, or believe him that ridicules a Deity in what he swears. So that leaving this Gentleman cloathed with Infamy, and the Court covered with Dishonour, in offering to use him in the Quality of a Witness; I shall advance to the Representation of another of your Powis Houle Evidences.

And that shall be *Lunt*, whom I cannot overlook, without giving some additional and farther account of him than what the World is already furnished with; either in the Letter to my Lord Chief Justice Holt, which hath been so often mentioned, or in any former Paragraph of these Sheets. And it is a very shrewd Presumption that he is Bribed and Suborned, in that he who a few years ago wrought as a day Labourer at Bighgar, a cleansing the Ponds for Twelve Pence a day, can now pull Sixty or Seventy Guineas at a time out of his Pocket, as he lately did; and the for no other end than to publish his Vanity, and shew how well he is Stockt with Money out of the Exchequer. However it proclaims him a great Villain to be so well furnished, and yet to suffer his first Wife, and the two Children he hath by her, to be sent to Starye in St. Albans street in St. John's Parish, and who would infallibly be remissed, if the Parish did not keep and maintain one of them; so it declares who a profitable Trade it is to swear Men perniciously out of their Lives in favour of the Government. Nor can any thing more denounce the Villainy of the Rascal, than that being asked by a poor Man for a Debt which he owed him, and which the Creditor said he hoped he would pay him having gotten Plenty of Money; he instead of that caused him to be apprehended as a Traytor: So that he is now a cloise Prisoner in a Messengers, where none are allowed to speak with him, but they who have him in Custody: And in the mean time, under this unmerciful and illegal Restraint, all the Methods of Carets and Menaces are used towards him to gain him to be a Witness. Neither is that poor Man the only Person among his Benefactors and Creditors whom he has thus unthankfully and villainously rewarded: For Mr. *Neil* of Down being

ving in December 93, not only relieved him and his Wife, at their Landing there from Flanders, in their passing thro which they had been robbed of 50 £. but having whilal lent him 5 £. and given him 20 s. gratis to enable him to defray his own and Wives Charges to London; the Rogne, in requital thereof, hath accused the said *Noel* of High Treason; and, by swearing that he intended to murther King *William*, hath caused him to be turned out of a Place which he enjoyed under the Government, and to be taken into Custody. Yea, the *Wiscrane* having been recommended by the said Mr. *Noel* to Mr. *Shelton* at *Canterbury*, and to Mr. *Cross* at *Rochester*, for their affording him and his Wife Lodging and Entertainment in their travelling hither, he borrowed of Mr. *Shelton* 50 s. and of Mr. *Cross* 20 s. and instead of repaying them hath sworn them both into the Plot. And whereas there was but one Man in the World, namely, Mr. *Wiskfield*, at the *Knave of Diamonds* near *Leicester Fields*, that had taken Compassion upon him at all times under his Poverty, and who at several Seasons had lent him to the Sum of 40 £. for which he hath his Bond; the ungrateful and baserous Rascal hath, in return for his Money and manifold Kindnesse, given an Information of High Treason against him, and caused him to be apprehended. But that which most giddly discovers both the Infamy of the Miserable, and the Combination which some of the Ministers and other Inferior Officers of the Government are confederated in for destroying Innocent Men, is, That the Rogue standing indicted for *Felony* for marrying a *Second wife*, while the *First* by whom he hath two Children is still alive, and for which being apprehended the 2d of this present *October*, by a *Legal and Bench-Warrant*, granted under the Hands and Seals of Mr. *Prideaux* and Mr. *Eyon*, two Justices of *Peace*; *Aaron Smith* did so hector both my *Lord Mayor* and the *Recorder*, by telling them what a necessary and useful Instrument this *Rascal* was of the State, and how much they wanted him to support the Belief of the Plot, and for the Conviction of those Prisoners that were to be tryed for High Treason; that those two Magistrates suffered themselves against all Law and Justice to be huffed into a Compliance of admitting him to *Bail*. And

because none, who had any Reputation to lose, could be found to be Sureties for a Fellow that is perjuriously engaged in making a Plot, where all wife and discerning Men (save those of the Sanguinary Club at *Powis-House*) both know and acknowledge that there is none. *Aaron* himself, who is sufficiently dipt in all the parts of that Villainy, together with one *Culliford* (who waits constantly upon *Aaron* in the Quality of his Follower, and whom he employs to run into all Companies to know what is said of him) became *Bail* for the Radical. And because the Title of *Labourer* or the Stile of *Villain*, by which *Lust* designs himself in a Judgment granted under his Hand and Seal, were too mean for one of King *W's* Wknesses to go by, and too contemptible for a Person of *Aaron's* Degree and Haughtines to own under either of those Characters; he caused infest him into the *Bail Bond* by the Title of *Gentleman*. And undoubtedly Mr. *Smith* who acteth as invested with a power to dispose of mens Lives at he pleaseth, may confer Honours on whom he will. And having made a Gentleman of a Roguish Peasant he may in a little time challenge the creating whom he thinks meet *Barons* and *Earls*: Seeing thicke are more indebted to Inclination and Humour for their Creation, than any are or can be in their being made or rendered Gentlemen. For as King *James* the First said pleasantly enough to a certain Person that had desired to be made a Gentleman; *Friend*, I can make you a *Knight*, but it is not in my Power to make you a Gentleman. But no Behaviour of *Aaron's* can be thought undecent, and much less insolent towards my *Lord Mayor* and the *Recorder*, if we do but observe with what Impertinencys at the end of a Sessions, after the Judges are withdrawn, he not only dictates unto them the *Fines* they are to impose upon such as are convicted of Misdemeanor; but how they must over and above at his Pleasure and Beck, bind such to their good Behaviour as he thinks fit. In a Word, there was never such packing of Juries, obstructing and perverting of Justice, obliging Persons both to High and Supreamary *Bail*, as since the Nation fell under the *Grand Visorship* of Mr. *Aaron Smith*. So that under *Burton* and *Graves* we may be said (notwithstanding all our Complaints) to have lived in *Republike Platonicis*;

whereas the best we can now pretend unto is to be *in sece Romuli*. But in the mean time, where is Law, Government and Justice, that a Criminal indicted of Felony, and taken into Custody, should be thus rescued out of the Hands of Magistrates, and from under the power of the Law, to be made use of as a Witness to destroy those that are Guileless? And this at such a Season when the *Felon* was to have come upon his own Tryal, to receive the Punishment due to his Crime: With this further Aggravation, that this was done by the imperious Interposition of *Aaron Smith*, who being an Officer under the Government, should for the Honour of *K. W.* and Credit of the Court, have not only permitted the Law to have its Course, but ought to have assisted in preventing all Obstructions in the Execution of Justice. But *Aaron* knows where his Interest lies, and that he gains more by the Tryal of *State-Prisoners*, than by the Prosecution of *Felons*. For the heaping up of Money justly or unjustly, is what *Smith* principally aims at; and not being contented with *Sixteen Thousand Pounds* payable into the Treasury, which he hath gotten into his Hands, and not paid one Thousand of it (being resolved as it seems to cheat the Government of the rest;) he endeavours to give all the Countenance he can to Sham-Plots, as finding them so subservient to his Profit. And while he grows Rich by other Mens being suspected and taken up as guilty of Treason (every pretended Plot being worth unto him some Thousands of Pounds) he doth all that Craft and Malice can suggest, for the forging of Conspiracies, and the pointing out such for Criminals whom his Covetousness makes him desirous to have believed Traytors. And there is enough to be laid before the Parliament to convince the most Incredulous and Obstinate, that he hath been a wilful and malicious Encourager of this Sham-Conspiracy, as he is known to be the principal Countenancer of Suborners, and the chief Supporter of perjured Witnesses. But what can be expected that is either Legal or Righteous, from a Man that makes it his Business against the time of any Tryals for State-Crimes, to get the Under-Sheriff to return what Grand and Petty Juries he pleases: And if his Blood-thirsty desires be not readily complied with, he complains to the Upper-Sheriff, and never leaves swagger-

ing and threatening till he gets it done. And as if this were not enough towards the compassing his Sanguinary and Cruel Ends, he frequently sends for the Lists of those that are to be returned upon the *Pannels*, and strikes out and puts in whom he thinks meet. Yea, he is risen to that heighth of unpresidented Barbarity, as to take upon him to dictate to Grand Juries, when fworn and sitting, how they are to find the Bills that lie before them, imposing upon them with an Insolence peculiar to himself, that such and such both ought and must be made Examples. Nor will any Man wonder at *Aaron's* haughty Impudence towards *Juris*, that observes how he treats the very *Judges* in his Application unto them, as if he were in the Place and had the Authority of *Dictator*, and they only to be the *Executioners* of his Pleasure, with as implicit a Faith as an Obedience. Nor does any one give that check to his Imperiousness, Pride and Insolence, as the *Attorney-General* doth; who finding of what Profit and Advantage it is to be as much as he can at the head of all *Treasonable Causes*, and to keep Prosecutions of that nature under his own Conduct, doth therefore whatsoever lies in his Power to confine *Aaron* to a shorter Tether than he is willing to be staked down unto: for which he talks of *Mr. Attorney* with the most Contempt, detracting both from his Knowledge, and Integrity in all Companies. Which understanding I leave to be arbitrated between themselves, as being best acquainted with each others Intellectual and Moral Qualifications.

But why do I insist so much upon the unpresidented Illegaliities of *Aaron Smith*, when the very *Secretaries of State* themselves, without regard to Law, Honour, Justice or Humanity, cause seize and apprehend both Men and Women, for no other Offence alleged against them, but that they discover what they know of the Infamy of the Witnesses, and take the Methods which the Laws have provided and chalk'd forth for bringing them to an accountableness for their Crimes. And as the like was never practized under any of those Reigns of which we did most complain, and as it appears since very unjustly; so it is worthy of our Observation, that when a Pack of Scandalous Rascals had combined in the Year 1641, to involve a great many Protestants in a Conspiracy of seizing *King Charles*, and for sliring

the Government, yet no one was molested either for detecting the Forgery of that Plot, or for laying open and exposing the Crimes, Villanies and Perjuries of those who were then stiled the King's Evidences. Yea, when three several Discourses, all of them bearing the Title of *No Protestant Plot*, were printed and published in Vindication of the Innocency of those that were suspected, as well as of those that were apprehended and imprisoned, and for detecting the Scandalousness and Legal Impropriety of the Evidences, and withal the Picquancy which the Author of those Discourses had either Spirit or Language to season them with; yet they were not only read by every Man with Safety, but openly sold by most Stationers about London, without Animadversion or Control. Nor can any Age parallel such a Commitment, or furnish us with a Warrant of the Tenor of that issued out by the present Secretaries upon this occasion; whereof I shall subjoin a Copy, that this Generation may see their Misery, and the next laugh at our Folly. *Namely (afterwards of course in all Warrants) That they should apprehend and bring before them the Persons of _____ together with their Papers, for conspiring and endeavouring to suborn witness against the Lives and Credit of several Ministers for their Majesties, against Persons charged with High Treason, &c. Which looks like a summoning all the Malefactors in the several Goals of the Kingdom, to come in and list themselves Witnesses for the Government, with assurance not only of Protections and Rewards, but that they shall have the Satisfaction and Pleasure to see those imprisoned and punished, that shall dare to prosecute them for their Crimes, tho they should be Murders and Burglaries as well as Felonies. Were not the matter before me too open to be exposed, as well as it is tempting to render me severe beyond my Temper and Inclinations, I would add more upon this Theam. But tho nothing can be rude, and much less picquant enough against those that have had the Indiscretion, if not the Malice to issue out a Warrant of this Nature, yet I will so far both retain my Passions, and regulate my Heat, as only calmly to expostulate the matter in one Word: Is the refuting our Law, and the vindicating our Liberties, which were the Pretences for the Prince of Orange's Descent into England, and*

the great Motives to the late Revolution, issued in this? That we have neither Laws nor Liberties left us, but that we must stand with our Mouths shut, and our Hands bound, till our Lives be destroyed and our Estates forfeited, upon the Perjuries of the most Notorious as well as Hainous Villains that ever the Earth bare. And let me tell you, That we think it much more eligible, that you should command your Dutch Dragoons to cut our Throats (if they can) than that a Design should be carried on, and thus countenanced, by Authority of murthering us by Forms of Law. For as in the *one* Case, we should be sure to sell our Lives ere we lost them, and should we miscarry in our own defence, would hope to dye not only pited, but expect to have our Deaths revenged; whereas in the *other*, we fall with Dilgrace; and there are few have the Honour, Zeal and Generosity, to resent the Wrong and Injustice that are done us. Yet it may be that when *proximus ardet scelagon*, every Man will be alarm'd; and that the Methods which render *quilibet homo virus*, may in a little time make *omnis homo milis*. And as I am very well assured, That by the Course you take to destroy some, all Men are threatened; so I do not know, but that the common hazard, may run the Nation upon a Defence as universal as the Danger is.

But I return to a Representation of some more of your Witnesses; and he whom I shall next unmask is *Wilson*, who was formerly a Chamberlain at the *Star Inn* in Smithfield, but who I do suppose is by this time commenced Gentleman, thro the Grace and Favour of *Aaron Smith*, who takes upon him to be the Fountain of Honours. But this Fellow *Wilson* having within these Two years been tried and convicted of Felony before Mr. *Baron Terton* for stealing *Fast Bullocks*, and having therupon been sentenced to be burnt in the hand, which was accordingly executed: I shall need to say no more to render him Infamous to all the sober and impartial part of Mankind. Only I am sorry, Sir, that that you, and the rest of the *Power-base-cabal*, should make it your Business so effectually to disgrace the Government whereof you are Ministers, as you apparently do in using, encouraging, and maintaining such a Rased

for a Witness, to destroy those whose Persons you hate, and whose Estates you covet. And as you cannot be ignorant of what I have now related concerning him; so you might easily inform your selves, if you preserved any respect to Justice, that at those Seasons which Wilson swears he was in Lancashire, and upon the treasonable Secrets of those Gentlemen against whom he hath deposed, that he was at those times in London in a very mean and servile Employ. But I will say no more of him, seeing if what I have reported doth not render him infamous nothing will. I shall therefore proceed to the Representation of a young Sprig of an Evidence, but who being placed for a few years under the Cultivation of Harry Baker may grow up into an unquestionable Witness for the State; if Treachery and Forgery can make him so. His Name that it may not be forgotten, when you, and Ministers of your Complexion, have occasion to make use of him, is, Stephen Chazall; who having been formerly Servant to Mr. Berionde, and dismissed by him about Two years ago for Fraud and Infidelity, hath been ever since endeavouring to qualify himself to be an Evidence: For soon after he was discharged from his Masters' Service, he made his first Essay of Roguery in breaking open a Trunk at the Black Swan Tavern in Bartholomew-Lane, where being taken in the Fact of robbing it, he had been prosecuted by the People of the House for Felony, if Mr. Berionde had not by earnest Intercession prevailed with them to overlook the Crime, and to let him alone: But the Graceless Youth, instead of being thankful to Mr. Berionde for saving him from the Pillory, or the Carrs Tail, did soon after forge his Hand to two Notes upon Goldsmiths, the one upon Mr. Richard Piersen for 25*l.* the other upon Mr. Walgrave for 50*l.* which by good Fortune, not being immediately paid, the Forgery came to be detected e're he could receive the Money. Yet instead of being discouraged by the repeated Discoveries of his Villainies, from attempting the like, he grew more emboldened to proceed in his Criminal Practices; and thereupon he not only again counterfeited Mr. Berionde's hand to Two other Notes, one to Mr. Pajevine at the George in Pall-Mall, and the other to Mr. Pawlet at the Bear Posts in the Hay market, and both of

them for Wine; but he likewise forged Mr. L'Espine's hand to a Note to Mr. Banks the Draper for Cloth: Which Bills and Notes tho preferred, and ready to be produced, yet thro the too much Compassion and Humanity of those whom he would have cheated and defrauded, he escaped being prosecuted, and had only a Reprimand given him, seconded with good Counsel and Advice. But according to the Proverb, *Save a Rogue from the Gallows, and he will cut you Throat*; so this young Villain, advanced from Forgery in order to rob and defraud them, to Perjury in order to murther and destroy them. For hearing how tenderly those were cherished, and how pitiably they were maintained, that had set up to be Witnesses in reference to a Sham Plot, he resolved to try whether he could not raise a Fortune, or at least gain a Subsistence by coining Falshood, and depositing them upon Oath for Truth, as well as your Brevetons and Lants have done in order whereunto he gave an Informacion of High Treason upon Oath against Mr. Smith, Mr. Dr Hulse, and Mr. Senniman; on which they were all Three taken up, had their Papers and Books seised, and were committed Prisoners to a Messenger's. Nor will the Secretaries want busines (how honourable let them and the World judg;) nor quiet and peaceable People trouble, so long as Subornations are countenanced, and Perjuries rewarded. For who is there that *Lant* (to mention one in the room of all) will not bear against, rather than be degraded from a Gentleman, such as Aaron Smith has made him, to be a Victualler at Westminster, or a Labourer at Highgate; or to be reduced from snaggering with Sixty or Seventy Guineas in his Pocket, to work servile labour for 1*s.* a day, as he was formerly accustomed to do.

But being wearied as well as ashamed in sweeping Knavels, and in raking thus long in Dunghills, I shall therefore discharge my self from this Drudgery, after I have given an Account of one celebrated Witness more, whom you, Sir, have taken into your special Care, Favour, and Protection, and are indebted to Newgate for him. The Person whom I mean, is, your Friend and Darling, *William Ablack*; who lived heretofore with *Dr. Davenant*, that was of all Mankind the fittest to infuse

him in the Forging of Plots, and how to support the Belief of them with unparalleled Impudence and Perjuries. Now the Dr. having having no farther occasion for this *Ablack*, since he got a Female Bed-fellow, the Blade became Servant to one Mr. *Freeman*, a Barber, in *Throgmorton-street* near the *Royal Exchange* : And having brought several good Qualities along with him from the Drs. the first Proof he gave of the Improvement he had made by the Example and Doctrine of his old Master, was to rob *Freeman* in *Hair* and *Mony* to the Value of about 30*l.* And tho the Fact was clandestinely committed, yet knowing where *Ablack* had been formerly Entertained and Disciplined, he had a Suspicion that he must be the Thief that had robbed him : And therefore causing him to be apprehended, and carried before a Justice of the Peace, some of the Money (which his Master could distinguish from all other) was found about him, and the Fellow thereupon committed by the Justice to *Newgate*, a little before *Whitsunday* last : Where he had not lain long, 't^ere he gave a new Testimony where he had been Educated, and that he had been a very teachable Scholar under so expert and famous a Tutor. So that he took upon him to discover a Plot, whereof he could not miss the making this the chief part, namely, That there was a Design to kill *Her* whom they call the *Queen*. For the Burthen of the Doctor's Discovery heretofore being a Conspiracy to Murder *King Charles*, he would Copy his Master's Draught as near as he could, with the single change of a *Prince* to be assassinated, instead of a *Prince*. And to tread as much as possible in the Steps of the first grand Architect of Forged Conspiracies, having coined and framed a Plot in his Head, he in the next place wrote a *Narrative* of it, and took care to have it sent to my Lord Mayor, Sir *William Abber-* Which he not being so forward to give credit unto as *Ablack* expected, and who having lacked in a liberal Share of the Infolence and Impudence of the Doctor, and being willing it should appear how well he had profited under him, he sent to my Lord Mayor to know what he had done with his Discovery and *Narrative*; which my Lord being allarmed at, as foreseeing the Consequences that might ensue upon it, he returned it unto him with a com-

mand, That he should arrest before Witnesses what he had writ, or else that his Lordship would not farther meddle with it. And that, being done by the Rascal with all readiness; my Lord, to deliver himself both from the trouble and reproof of it, caused conveyl and deliver it to Mr *Secretary Trenchard*, whom I take to be you, Sir. Nor did you think it enough to receive it (as may be your Place did oblige you) but you had the Indiscretion to entertain it with a great deal of Fondnes, and to say, he was a Person might do you a great deal of Service. And as a Testimony both of your Esteem of the Fellow, for the good Qualities I have mentioned, and of your being engaged in a Design of murthering Men by the worst and most infamous Means and Instruments imaginable, you gave Order that he should not be prosecuted the Sessions following for his Felony. For to obstruct Justice, and to pervert it, are the usual Methods with you of Administiring your Office. But Mr. *Freeman* having upon that Disappointment consulted with a Friend what he shoud do, being very desirous to recover his Money, he was advised to prosecute the Rascal the next Sessions that should ensue, and to complain in Court if the Law were not allowed his free course. Upon which, Sir, you began to think, That you should make a cheap Purchase of a Witness at the Price of 30*l.* and a weekly Allowance ever since; and therefore you took care to have *Freeman* paid half his Money before that Sessions, and the other half within a little time after it. Nor can it be but from a malicious Design, that tho this Fellow has not hitherto been prosecuted, not likely to be by *Freeman*, yet you keep him still in *Newgate*. However in this, as in other Things, you do but dance in a Net; seeing we plainly discern you, notwithstanding your Cover. In brief, he is detained there not only as a Spy, but to acquire some umbrage of Credibility in what he is to be brought forth to swear against such there, as you have a mind to destroy. For tho he be admitted into Conversation with some of the Prisoners of State; yet you hope that his walking in the *Pris-yard* among them, may give some Reputation to what he shall perjuriously Depose. And that you may supply that defect of Evidence you laboured under when you

sent several Gentlemen thither into Custody, by having one ready to swear that they are become guilty of Treason since they were in hold. Nor can I compare this Discovery of *Shollock's*, after he was in *Newgate* in danger of being hanged, to any thing more properly than to the Detection which *Whitney* pretended to make of a Conspiracy for murdering King *William*; in hopes, after all his Crimes, and the Sentence of Death which he lay under, to have thereby escaped the Gallows. And I tremble to think how many, and of what Quality, that Fellow offered to depose against; and with what Leachery his Information was entertained, till my Lord Chief Justice *Holt*, from a Horror of the Villainy he saw projected by *Whitney*, and cherished by others, interposed with the Zeal, Justice and Courage, that are natural to him, and got him hanged. And thanks be to God, that how ill natured so ever some of them were, who then filled the chief Places of the Ministry, yet we knew nothing at that time of a *Power-house Junctio*, nor of a Cabal instituted to form Treasons, and who sit brooding to shed innocent Blood. But surely we might have expected, that after the Ignominy which the Government fell under, for hearkening so far as they did to *Whitney* about Discovery of a Plot, we should not have heard of another Detection of a Conspiracy from Criminals and Malefactors in *Newgate*; but some Men when they cannot *flatter Superos*, they will *moveare Acheronta*; and apply to Hell for support, when they despair, and that very justly, of the farther favour of Heaven.

And Goals being the properest Places to yield agreeable Tools to the Exigencies of the Government, and most fertile of those of a Virtue and Credit proportionable to the good Qualities of such as need and employ them; and all the Prisons of *England* not furnishing Rogues enough of a Character becoming Royal Evidences, the Goals of other Nations have been searched and ransacked in order to the obtaining a Supply of Witnesses, fit to pa's muster against *Jacobites* at the *Old Bailey*, and to be credited by *London Juries*. Of which I shall recount one Remarkable Instance; namely, That one *Bateman*, and his Wife, having perpetrated *Sacilege*, and *Theft*, by robbing a Church in *Flanders*, and being thereupon apprehended and committed to Prison,

in order to be boiled to death according to the demerit of their Crime, they were rescued thence, and transformed from being the worst of Criminals there, to appear in the Quality, and make the Figure of good and legal Witnesses here. For these two Miscreants being sensible, that there was no way of escape for them, but by the Intercession of King *William*, and knowing how to recommend themselves to his favour, and to merit a Share in all the Interest he had in the Duke of *Bavaria*, took care to get him informed, what mighty Discoveries they were able and ready to make of a Plot here in *England* against his Person and Government; whereupon he immediately interposed with the Elector, for their Pardon; and ordered their being delivred and conveyed hither, to pass as Witnesses against the Lives of those, whom *Aaron Smith*, and others, should think fit to mark out to be murthered. And being consigned over to you, Sir, it is known with what fondness you received them, and how you committed them to *Cooke* the *Messenger*, to be preserved forthcoming as Royal Evidences upon Occasions; and in the Interim to be treated gently, and entertained with Civility and Friendship. But the Wretches having compassed their End, thought fit to frustrate and appoint you and *Aaron* of yours. For finding an Opportunity of robbing *Cagle*, and his Wife, of Money and Goods to a considerable Value, they made their Escape, to the sorrow and Grief of some of you Ministers, that were reckoned upon mighty Services from them.

So that having dispatched all that I intend at present upon this Subject, instead of a Compliment before we do now part, I will lay before you three short *Remarks*, and all of them suggested to me by *Tacitus*; for to a Statesman, as you pretend to be, I will quote no other Author. The first is in Reference to King *William* who doth intrust, and employ you, and who has thereby given cause of great Suspicion to the Kingdom, of his being of the Humour and Genius both of a certain *Emperor*, and of one that was for a long time his chief Favourite. For as the *Emperor* in chusing his Ministers, and principal Officers of all Kinds, was careful, and made it the Master-piece of his Politicks, never to prefer Men of the most Virtue and Zeal for the Liberties

series of their Country: *Quia ex optimis per-
sum miserat;* Because he apprehended such would
inveigh him in his arbitrary Designs, and not be
ready Tools of his Craft and Tyranny: So his
Favourite was endowed even so long ago with
those modern Qualities, That *ejus voluntas non-
quoniam nisi scelere queratur;* No Man could ac-
quire his Favour and Confidence but by being *Vil-
lains.* And let me tell you, Sir, That as the
Grand Signior hath no better Instruments of
his Diabolicalness, than a Renegado Christian
turned Turk: So the fittest Tools a Prince
can use that would enslave England and Scotland,
are such of the *Whigs* as have neither Ho-
nor nor Probity. And that the *Whig* Faction
is not barren in yielding enough of those Chal-
lengers for all kind of Employes, is evident
beyond Contradiction by the Practices of most
of that Denomination, who have been ad-
vanced to Places since the Revolution. And
among whom should any Prince that would
be *visitas* look for *Musys* and *Bashaws*, but
among those where Oliver Cromwel found his
Chanciers and *Major Generals*. The Second is
in order to instruct the People of England
if they have not outlived their Wits, as well
as their Loyalty and Estates J how to form a
Guardian of your self, out of two Passages of
the same Author; whereof the one is, That
there were some, *Qui gaudebant cedibus, tan-
quam limiti absolventes;* who took Pleasure in
the Destruction and Murther of others, that they
might thereby appear Loyal, which in truth they
were not. For when I call to mind the Asper-
tions which heretofore you used to throw up
on the Prince of Orange in relation to the
Murder of the *De Witts*; I can hardly forbear
thinking, but that in order to your promo-
ting a Republican Design, and the changing
the Monarchy into a Commonwealth, you have
concurred with others, that were always
known unfriendly to Kingship, In the con-
coiving and persuing this Plot against the Lives
of so many innocent Men in England, that you
may the better infect the Minds of the People
of these Nation, with an Opinion and Belief
of the Prince's Guilt in the Assassination of
those Dutch Gentlemen. And I do assure you,
That the many Sham Plots since the Revolu-
tion for murthering even by Forms of Law
those that are guiltless, do not only leave very
undecent Impressions upon the Spirits of

all that give themselves leave to think, in re-
lation to the forementioned Massacre perpe-
trated at the Hague, but awaken strange Jeal-
ousies in them. In reference to every man's
Safety in Britain that will not come into the
Politticks of the Court. And when I reflect
upon the barbarous Design of attempting to
have procured not only all the Papists, but all
those Protestants who were most remarkable,
and steady in their Loyalty to the King, to
have been massacred by the *Mob*, An. 1688,
upon spreading and diffusing thro the whole
Nation in one Night, how the *mob* were burn-
ing Houses and cutting Throats in all Quar-
ters and Places of the Kingdom; I cannot
avoid thinking, but that those Persons who
were capable of being accessory to so frowne fera
a Lye, and of giving countenance to a Con-
trivance that might have cost the Lives of so
many Thousand Innocents, will be always
ready and disposed to authorise, as well as
encourage, either private and personal Assas-
sinations, or more general and publick Mur-
ders, by Forms of Law, whensoever they
find the one or the other subseruent to their
Interest. Nor am I surprised to find the
brainless and unthinking Universality of the
Kingdom, disposed to believe and swallow
all that hath been lately noised of a Plot a-
gainst the Government; when I consider how
forward they were to resolve that hellish, impa-
udent, and self-contradictiōn Lye, of a few
disarmed, disbanded, frightened, and intimidated
Irish, being firing and murthering in all Places.
And the barbarous Massacre committed at
Glenco, in the murthering a whole *clan* of
Scotch Highlanders, without regard to Age or
Sex, in one Night, An. 1691, except a very few,
to whom the Darknes of the Night, the
Deepnes of the Snow, and the Tempestuous-
ness of the Weather, afforded means of elas-
ping, the being brutally as well as inhumanely
Slaughtered; and this perpetrated not only
upon naked and unarmed Men, but upon such
as had both taken the Protection of the
Government, and with whom their bloody Mur-
therers had been conversing as Friends, and
entertained by those poor Souls, void of Fear
and Jealousy, with all the Frankness and
Plenty that the kindest Guests could expect.
I say, this barbarous Massacre shews what
some Persons are capable of commanding: —

well as of countenancing, and what others who serve this Government are ready, and have the Villainy to execute. For as I have seen an authentick copy of the Orders under a great Man's hand, requiring it to be done; so I have heard thole that perpetrated the bloody Crime, justify the doing of it; upon their having the command of their Master &c &c, whom they declared themselves resolved in all Things to obey, without respect to Religion, Law, Justice, Honour or Humanity. But I advance to the other Passage afforded me by *Tacitus*, for the framing of your Character, which is this, That *Reveres qui ob similitudinem morum aliorum facta sunt obsecrari, premit, etiam gloria & virtus inveteros habent, ut nimis ex propinquorum divisa arguerentur.* There are some who having been often traitors themselves, do therefore think that they can pay an Allegiance to none, unto whom such as have been of a different Party from them are not Disloyal; and that when they can find nothing else to have Men for, they abhor them for their Virtue, Honour and Probity, as reckoning their own Crimes accounted and exposed by the Laudable Qualities which others are possessed of. And as I am, my self, obliged to the Author I have quoted, for leading me in Pensil

and Colours to draw your Picture, tho' I am farre yet so much to the Life; to represent it may serve to represent your Countrymen to Posterity, than any Piece painted by the best Master, can your External Lineaments or Figure. There is yet a Third Remark to me by *Tacitus*, which I conveye by way of Advice, if you be capable of making it; which is, That *Loci post admissionem scelus, ditz graviores odio, quia malorum scelus Ministris gravis exprobrates aspiciuntur.* That is to say, while you may be in Favour, for any present Men under the Guilt of a Plot, it will be a little time be the more delayed, unto whom you have been endeavouring to make being natural to Princes to esteem themselves reproached; when ever they look upon one another in Complianc with their State, in Obedience to their Publick Commands, their Instruments and Tools in Criminal and lawless Things. To which I will shew you Word more of the same Author, in *Ubiq. Lib.* That the *Scelum Ministris, ab aliis nolit, ita pleniusque scelus, in eandem operam recitatis, venit & affixit.*

I kiss your Hand, and am

Chas the 9th, 1694.

S I R,

The most Faithful of all your Servants,

As being as much above Flattering as Fearing of you.